

**SPECIAL ISSUE**

*Kenya Gazette Supplement No. 5 (Migori County Acts No. 2)*



REPUBLIC OF KENYA

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***KENYA GAZETTE SUPPLEMENT***

**MIGORI COUNTY ACTS, 2021**

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**NAIROBI, 8th September, 2021**

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**No. 2 of 2021**

*Date of Assent: 6th September, 2021*

*Date of Commencement: 8th September, 2021*

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**THE MIGORI COUNTY CLIMATE CHANGE ACT, 2021**

**AN ACT of the County Assembly of Migori to provide regulatory framework for enhanced climate change interventions; mainstream climate change actions and duties into County Government functions and to establish County Climate Change Steering Committee to coordinate climate change adaptation and mitigation activities at all levels within the County and for connected purposes.**

**ENACTED** by the County Assembly of Migori, as follows—

**PART I—PRELIMINARY****Citation**

1. This Act may be cited as the Migori County Climate Change Act, 2021.

**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, which moderates harm or exploits beneficial opportunities;

“climate” means the average pattern of weather conditions which occurs over a long period of not less than 30 years;

“climate change” means changes in global or regional climate patterns, including changes in temperature, wind patterns and rainfall;

‘Board’ means the Migori County Public Service Board;

‘County Executive Committee Member’ means the County Executive Committee member responsible for climate change;

“CSO” means civil society organization;

“department” means the county department responsible for climate change;

“director” means the County Director of Climate Change appointed in accordance with section 10;

“directorate” means the County Climate Change Directorate established in section 9;

“FBO” means faith-based organization;

“governor” means the Governor of Migori County;

“integrated ecosystem approach” means a strategy for the integrated management of land, water and living resources that promotes conservation and sustainable use in an equitable way;

“mitigation” in the context of climate change, means a human intervention to reduce the sources or enhance the sinks of greenhouse gases;

“polluter pays principle” means that those who produce pollution must bear the costs of managing it to prevent or mitigate damage to human health or the environment;

“precautionary principle” means taking cost-effective measures to prevent environmental degradation where there are credible threats of serious or irreversible damage to key environmental resources, regardless of a lack of full scientific certainty;

“Steering Committee” means the County Climate Change Steering Committee established in section 5;

“sustainability” in respect of development means meeting the needs of the present generation without compromising the ability of future generations to meet their own needs; and

“Vulnerability assessment” means assessment of the degree to which a system is susceptible to, or unable to cope with, adverse effects of climate change, including climate variability and extremes.

### **Purpose**

**3.** The purpose of this Act is to integrate and mainstream climate change actions, interventions and duties into county government functions including by—

- (a) establishing a County Climate Change Steering Committee as the overarching county climate change coordination mechanism;
- (b) establishing a County Directorate of Climate Change in the department responsible for climate change to provide secretariat services to the County Climate Change Steering Committee;
- (c) establishing Ward Climate Change Committees;
- (d) providing for public participation, transparency and accountability in all climate change response, mitigation and adaptation activities in the county; and
- (e) any other matter necessary to give effect to this Act.

**Guiding principles**

4. Every individual performing any function under this Act shall respect and uphold the values and principles in the Constitution and in particular be guided by the provisions of Articles 10 and 232, and Chapters Four, Five and Six of the Constitution and, without in any way limiting the foregoing shall effectively and efficiently —

- (a) uphold the right to a clean and healthy environment and the duty to safeguard and enhance the environment;
- (b) exercise the right to development taking into consideration sustainability, resource efficiency and economic, social and environmental needs;
- (c) adopt and enhance an integrated ecosystem approach to conserving environmental resources to ensure that ecosystems are managed in an integrated manner while also providing a range of benefits to residents of Migori County;
- (d) manage the environment and natural resources to ensure equitable access for present and future generations;
- (e) ensure that a coordinated and participatory approach is taken to environmental protection and management;
- (f) employ the precautionary principle where there are credible threats of serious or irreversible damage to key environmental resources;
- (g) employ the polluter pays principle to address the full environmental and social costs of the use of environmental and natural resources;
- (h) cooperatively implement international and regional instruments for better management of shared environmental resources, in accordance with Article 2(6) of the Constitution of Kenya, 2010; and
- (i) strictly adhere to the principles of good governance in management of the environment, including upholding the rule of law, ensuring accountability, transparency and participatory decision-making, and observing, respecting, protecting, promoting and fulfilling human rights and fundamental freedoms.

**PART II — ESTABLISHMENT OF THE COUNTY CLIMATE  
CHANGE STEERING COMMITTEE**

**Establishment of the Steering Committee**

5. (1) There shall be established the Migori County Climate Change Steering Committee.

- (2) The Steering Committee shall comprise the following persons—
- (a) the Governor who shall be the chairperson;
  - (b) the County Executive Member for Finance who shall be the vice chairperson;
  - (c) the County Executive Committee Member responsible for climate change
  - (d) the Chief Officer in charge of climate change shall be the secretary;
  - (e) the County Executive Committee members for the following county government departments—
    - (i) health;
    - (ii) agriculture;
    - (iii) lands; and
    - (iv) trade; and
  - (f) the County Director of the National Environment Management Authority;
  - (g) Chief officer in-charge of matters relating to—
    - (i) Agriculture;
    - (ii) Trade, Tourism and Co-operative Development;
    - (iii) Public Health;
    - (iv) Lands;
    - (v) Physical Planning.

(3) The Steering Committee shall undertake a transparent and consultative process to co-opt one (1) representative of each of the following in the County—

- (a) women's organizations;
- (b) persons with disabilities;



- (c) minorities and marginalized groups;
- (d) youths;
- (e) post-secondary academic institutions; (f) civil society environmental groups; and
- (f) the private sector.

(4) A person shall be qualified for co-option under sub-section (3) if the person —

- (a) is a resident of Migori County;
- (b) has relevant academic or practical experience in any aspect of environmental management or climate change adaptation or mitigation; and
- (c) meets the requirements of Chapter Six of the Constitution.

(5) In co-opting members of the Steering Committee under sub-section (3), the Steering Committee shall ensure that the full membership of the Steering Committee complies with the two-thirds gender principle and diversity of the people of Migori County.

(6) Co-opted members of the Steering Committee shall serve for a term of three years, renewable once.

(7) The Steering Committee may from time to time establish committees for the better carrying out of its functions.

(8) The Steering Committee may co-opt into the membership of a committee established under sub-section (7), any person whose knowledge and skills are considered necessary and relevant to the purpose for which the committee is established.

(9) A person co-opted into a committee may attend the meetings of the committee and participate in its deliberations, but shall not vote.

(10) Subject to the provisions of section (7), the Steering Committee shall meet at least four times in a year.

(11) Except as provided for under this Act, the Steering Committee shall regulate its own procedure.

### **Functions of the Steering Committee**

6. The Steering Committee shall be the overarching county climate change coordination mechanism and shall—

- (a) set clear climate change targets and indicators for the county;

- (b) ensure mainstreaming of the climate change function by all departments of the county government, including by —
  - (i) integrating climate change issues into sectoral and ward development plans; and
  - (ii) establishing a climate change desk in all departments, sub-counties and wards;
- (c) oversee implementation, including monitoring, evaluation and review of the County Climate Change Policy;
- (d) provide support to the national government in implementing the national Climate Change Policy, legislative and administrative framework;
- (e) advise the county government on policy, legislative, administrative and other measures necessary for climate change response, mitigation and adaptation;
- (f) provide guidance on review, amendment and harmonization of sectoral laws and policies in order to achieve the objectives of this Act;
- (g) approve a gender, disability and intergenerational responsive climate change awareness strategy for the county;
- (h) co-ordinate capacity building for gender, disability and intergenerational responsive climate change response, mitigation and adaptation in the county;
- (i) support the County Executive Committee Member to mobilize resources for climate change financing consistent with the approved county framework;
- (j) support research and development for climate change response, mitigation and adaptation in the county;
- (k) receive, review and approve climate change response, mitigation and adaptation project proposals in the county;
- (l) coordinate with the relevant county departments to review and approve applications or proposals for development projects or activities that may have an adverse effect on climate change in the county;

- (m) seek to establish with other counties a regional Inter-County Expert Group on Climate Change to develop clear policy direction and guidance for regional cooperation; and
- (n) do any other function as may be expedient or reasonably necessary to ensure fulfilment of the purposes of this Act.

#### **Remuneration of members of the Steering Committee.**

7. The Steering Committee shall be paid such sitting allowances as shall be determined from time to time by the Salaries and Remuneration Commission, and shall not have more than one sitting in each month unless extra sittings are approved by the County Assembly.

#### **Delegation of powers of the Steering Committee.**

8. (1) The Steering Committee shall have all powers necessary for the execution of its functions.

(2) The Steering Committee may, by resolution, delegate to any Committee established under this Act, or to any member, officer, employee or agent of the Directorate, the exercise of any of the powers or the performance of any of the functions or duties of the Steering Committee under this Act.

(3) Except as provided for under this Act, the Steering Committee shall, in the performance of its functions, not be subject to the direction or control of any person or authority.

### **PART III — COUNTY DIRECTORATE OF CLIMATE CHANGE**

#### **Establishment of the County Directorate of Climate Change**

9. There shall be established the County Directorate of Climate Change, which shall be the secretariat to the Steering Committee.

#### **Functions of the Directorate.**

10. (1) The Directorate shall work with all stakeholders, including the Steering Committee, county government departments and agencies, other public entities at county level, the private sector and the public, to implement the County Climate Change Policy, including—

- (a) serving as the county focal point for all climate change issues;
- (b) providing technical and strategic advice and coordination on climate change response, mitigation and adaptation activities in the county;
- (c) ensuring the integration of climate change response, mitigation and adaptation into overall county planning through

coordination with the relevant county government departments and agencies;

- (d) providing support to county government departments and agencies in taking legislative, technical, administrative and other measures necessary for climate change response, mitigation and adaptation, including sustainable use and management of the environment and natural resources, and in implementing those measures;
- (e) conducting climate risk and vulnerability assessment and mapping of the impacts of climate change across all sectors, including economic and human rights impact, and of existing infrastructure in the county;
- (f) without limiting the provisions of paragraph (e), ensuring that all new development activities in the county that may adversely impact the environment are subject to climate risk and vulnerability assessment, including economic and human rights impact, prior to approval or commencement;
- (g) facilitating and overseeing nominations and elections to the Ward Climate Change Committees;
- (h) sensitizing, and providing access to information by the public on climate change, including impact, response, mitigation and adaptation;
- (i) promoting adoption of, and enhancing capacity of individuals, institutions and corporate entities to practice, sustainable use and management of the environment and natural resources, including by strengthening the use of environmental impact assessments, audits and management plans;
- (j) developing, managing or coordinating climate change projects and activities in the county;
- (k) facilitating or conducting research and data collection on climate change including impact, assessment, response, mitigation and adaptation;
- (l) ensuring public participation, transparency and accountability in climate change activities;
- (m) monitoring, evaluating and publicly reporting on the efficacy of climate change response, mitigation and adaptation activities in the county;

- (n) any other function as directed by the Steering Committee or Directorate.

(2) The Directorate shall consult with the Steering Committee as may be necessary and appropriate in carrying out its functions pursuant to the guiding principles and any regulations made in accordance with section 36.

### **Appointment of the Director**

**11.** Upon enactment of this Act, the department in charge of climate change in consultation with the Board shall appoint a County Director of Climate Change through a competitive selection process.

#### **Qualifications of the Director**

**12.** A person shall be qualified for appointment as director if the person—

- (a) is a citizen of Kenya;
- (b) holds a Bachelor's degree, knowledge and experience in any of the following fields —
  - (i) environmental studies, natural resources or climate change studies;
  - (ii) Meteorology
  - (iii) Administration;
  - (iv) Environmental law; or
  - (v) any other relevant field
- (c) has at least five years' proven experience at management level;
- (d) has relevant experience in any aspect of climate change response, mitigation or adaptation; and
- (e) meets the requirements of Chapter Six of the Constitution.

#### **Term of office, remuneration and removal of director**

**13.** (1) The Director shall hold office on permanent and pensionable terms or as per the guidelines of the Board.

(2) The Board shall determine the remuneration of the Director in consultation with the Salaries and Remuneration Commission.

(3) The Director may be removed from office in accordance with the terms and condition of service.

**Functions of the director**

**14.** The Director shall be —

- (a) Oversee the coordination of climate change activities.
- (b) a signatory to the climate change fund account
- (c) responsible to the Steering Committee for —
  - (i) implementing the policy direction and decisions of the Steering Committee;
  - (ii) overseeing implementation of the County Climate Change Policy;
  - (iii) the day-to-day administration and management of the affairs of the directorate, including supervision of the secretariat;
  - (iv) performing such other duties as may be assigned by the Steering Committee and other day to day activities of the department.

**Staff and other experts**

**15.** (1) The Department shall in consultation with the Board, through a competitive recruitment process, hire staff of the Directorate on a full or part time basis, as deemed necessary for the efficient and effective operation of the Directorate.

(2) The Department in consultation with the board shall ensure that staff of the secretariat have the skills and training necessary to carry out the functions of the Directorate, including engaging with the public and stakeholders, in accordance with the guiding principles.

(3) Public officers may, upon request by the Directorate, be seconded from any other county government departments or agencies.

(4) A public officer seconded to the Directorate shall, during the period of secondment, be deemed to be an officer of the Directorate and shall be subject only to the direction and control of the Steering Committee and the Directorate.

(5) The Department, in consultation with the Board, may hire such experts, technical and administrative officers as may reasonably be required, on such terms and conditions as may be determined by the Board.

### **Units of the Directorate**

**16.** The Steering Committee shall designate such units of the Directorate as shall be sufficient for effective execution of the Directorate's mandate, including—

- (a) climate risk and vulnerability assessment, monitoring and evaluation.
- (b) technical and strategic advice;
- (c) county government planning and coordination;
- (d) project development, management and coordination;
- (e) research, data collection and information management; and
- (f) public education and access to information.

### **PART IV —COUNTY CLIMATE CHANGE PLANNING COMMITTEE**

#### **Establishment of the county climate change planning committee**

**17.** (1) There shall be established the County Climate Change Planning Committee.

- (2) The County Planning Committee members shall consist of—
  - (a) Director for the time being responsible for Climate Change matters who shall be the Chairperson;
  - (b) the Director responsible for Finance who shall be the vice-Chairperson;
  - (c) Director responsible for Water;
  - (d) Director responsible for matters relating for health trade;
  - (e) Director responsible for matters relating for Energy;
  - (f) Director responsible for matters relating to for Trade;
  - (g) Director responsible for matters related to Agriculture;
  - (h) Director responsible for matters related to Water;
  - (i) Director responsible for matters related to Lands;
  - (j) the county representative of the National Environment Management Authority or designate;
  - (k) the county Director of Meteorology Department or a designate;
  - (l) one representative of the private sector organizations in the County nominated by participating private sector organizations;

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- (m) one representative of Women in the County;
- (n) one representative of Youth in the County;
- (o) one representative of Persons with Disabilities in the County;
- (p) the Administrator of the Fund, who shall be an *ex-officio* member with no voting rights;
- (q) The county officer in charge of climate change, a representative of the directorate, will be the secretary.

(3) The members of this committee, as per section 17 (2) (a), (b), (c), (d), (e), (f), (g), (i), (j), (k) and (r) shall be nominated by the County Secretary.

(4) The members of the committee as per sub section (2) (l), (m), (n), (o), (p) and (q) will have to demonstrate their knowledge and experience in environment and climate change issues. The candidates must have at least a diploma certificate on environmental relevant field.

**Functions of the County climate change Planning committee**

**18.** (1) The functions of the County Climate Change Planning Committee shall be to

- (a) review prioritized and sequence project submitted by ward climate change committee based on criteria
- (b) provide additional technical support where needed to improve ward climate change planning committees' proposals.
- (c) organize inter-ward meetings to review, refine and collate proposals from wards into county adaptation plans.
- (d) based on the approved criteria, approve the proposals from the ward planning committees and forward the approved to county climate change fund management board through the climate change directorate for validation and funding.
- (e) co-ordinate implementation of the County Climate Change Action Plan and the County Climate Finance Framework;
- (f) establish guidelines to be used by ward planning Committees in formulating climate response projects for funding by the county climate change fund
- (g) advise the county climate change steering Committee on strategies, priority programmes, projects and activities for climate change response in the County;



- (h) formulate strategic actions to foster climate change education, awareness creation and capacity development in the county;
- (i) to coordinate research and knowledge management on climate change, its impacts and strategies for responding thereto;
- (j) formulate and implement a county monitoring, evaluation and reporting framework for climate change response; and
- (k) perform any other functions assigned to it by the county climate change steering Committee

**Conduct of affairs and Remunerations of the county climate change planning committee**

19. (1) The County Climate Change Planning Committee shall meet at least four times a year and may meet at any other time as may be necessary to carry out its functions provided that the budget for administrative costs per quarter is not exceeded.

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

(3) A resolution of the Planning Committee shall require a simple majority vote.

(4) 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.

(5) The Planning Committee may invite to its meetings any person that it considers will contribute to its deliberations, and the attendance and participation of such person shall be recorded in the Minutes of the Planning Committee.

(6) Members of the Planning Committee shall be paid such allowances as the Salaries and Remuneration Commission may determine from time to time.

**Establishment of a ward climate change committee**

20. (1) There is established a Ward Climate Change Committee in each ward.

- (2) Each Ward Climate Change Committee shall be comprised of—
  - (a) Chairperson elected by members of committee and ratified by the planning committee;
  - (b) two youth representatives (both gender).

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- (c) women representative;
  - (d) three representatives of the key economic activity in the ward which have an impact to the environment.
  - (e) a representative of CBOs actively operating in the ward dealing with climate change/environmental issues.
  - (f) a representative of a faith-based organization.
  - (g) a representative of people living with disability (PWD)
  - (h) the Ward Administrator, who shall be an *ex-officio* member of the committee to establish interlinkages, provide advisory services and necessary co-ordination.
- (3) Members of the committee are required to—
- (a) fulfil requirement of chapter six of the constitution on leadership and integrity;
  - (b) have basic knowledge of climate matters;
  - (c) have a minimum basic education, preferably form four;
  - (d) committed persons willing to serve the community;
  - (e) be validated by the community.

(4) The ward climate change planning committee will serve for a renewable term of three years provided that two thirds of the committee members retire to allow for succession and continuity.

#### **Functions of the ward climate change committee**

**21.** (1) The functions of the Ward Climate Change Committee shall be to —

- (a) identify any project or activity in the ward that may have an adverse impact on climate, and inform the Directorate;
- (b) consult with the community on climate change priorities, concerns and activities in the ward, and report to the Directorate;
- (c) assist the Directorate in collecting data on climate change including impact, assessment, response, mitigation and adaptation in the ward;
- (d) facilitate public sensitization and participation at the ward level;
- (e) prepare program and project proposals, aggregate and coordinate sub ward resilience needs and priorities identified and prioritize them through community/public participation;

- (f) monitor implementation of climate change response, mitigation or adaptation projects or activities at the ward level and report to the Directorate on the same; and
- (g) any other function assigned by the Steering Committee or the Directorate.

(2) The Ward Climate Change Committee shall consult with the Directorate for technical assistance as may be required.

#### **Conduct of affairs of the ward climate change committee**

22. (1) A Ward Climate Change Committee shall meet at least four times a year and may meet at any other time as may be necessary to carry out its functions.

(2) The quorum for meetings of a Ward Climate Change Committee shall be two thirds of the membership.

(3) A resolution of a Ward Climate Change Committee shall require a majority vote of the members present at a meeting.

### **PART V—CLIMATE CHANGE DUTIES, ACTIONS AND INTERVENTIONS**

#### **Duty to cooperate to protect the environment**

23. (1) It is the duty of every person, organization or entity whether public or private, whether or not ordinarily resident in the County, to cooperate with the Steering Committee and the Directorate to promote and comply with the right to a clean and healthy environment.

(2) Without limiting the provisions of sub-section (1), every person, organization or entity that intends to undertake any development, project or activity that may adversely affect the environment, or any climate change response, mitigation or adaptation project or activity, in the county, shall prior to commencement of the development, project or activity—

- (a) inform the Directorate directly or through the relevant Ward Climate Change Committee of the proposed development project or activity;
- (b) conduct such climate risk and vulnerability assessment including economic and human rights impact as may be required by the Directorate and report to the Directorate on the outcome;
- (c) conduct such public sensitization and consultation as may be required by the Directorate and report to the Directorate on the outcome;

- (d) facilitate ongoing access to information about the development project or activity; and
- (e) do any other function as may reasonably be required by the Directorate in the circumstances.

### **Duties relating to climate change**

**24.** (1) Every county government department and agency, or other public entity at county level, shall have the following duties relating to climate change —

- (a) designating a departmental or organizational climate change focal point, responsible for —
  - (i) ensuring implementation of the prescribed climate change policy direction concerning the respective department or entity; and
  - (ii) reporting to the County Executive Committee Member on quarterly basis on the progress of implementation based on stated performance targets;
- (b) integrating climate change into county, sectoral ward budgets through appropriate provisions for implementation of the County Climate Change Policy;

(2) The Steering Committee may, on its own motion or on recommendation of the Directorate, impose on any county government department or agency, or other public entity at county level, such further or other duties relating to climate change as may be reasonably necessary to give effect to this Act or the national law relating to climate change.

(3) The duties under subsection (2) shall be imposed and may be varied or revoked through regulations made by the Steering Committee under this Act.

(4) The imposition of climate change duties under subsection (2) shall be preceded by public sensitization and consultation.

## **PART VI—PUBLIC PARTICIPATION, EDUCATION AND ACCESS TO INFORMATION**

### **Awareness and capacity building of public and private actors**

**25.** (1) The Directorate shall capacity build county government officials on climate change, including their responsibility to mainstream climate change awareness into public discourse.

(2) The Directorate shall work with any public or private sector entity to promote the inclusion of training or education curricula of awareness and capacity building on climate change, including —

- (a) identifying, monitoring and evaluating the impact of development and other projects and activities on climate change;
- (b) response, mitigation and adaptation measures;
- (c) the obligations of public entities and county residents under this Act, the national legislation relating to climate change, and relevant policy at the national and county levels; and
- (d) the right to access information about climate change.

(3) The Directorate shall establish a county resource centre for climate information awareness and sharing.

### **Public education**

26. (1) The Directorate shall —

- (a) conduct outreach, education and training targeted to officials, administrators and other actors who may be involved in oversight, coordination or implementation of climate change response, mitigation and adaptation activities, including but not limited to the Steering Committee, county planning committee, public officers, Ward Climate Change Committees, local administration and other community leaders or elders, on climate change monitoring, evaluation and learning; and
- (b) conduct public sensitization about climate change, including providing regular and frequent updates on the status of climate change in the county, including response, mitigation and adaptation activities, using channels such as Ward Climate Change Committees, media, educators and other actors involved in dissemination of information to the public.

(2) Informational materials shall be made widely available in English, Kiswahili and prominent local languages, and accessible in print, Braille and online formats.

### **Advisory services**

27. (1) The Directorate shall develop and issue guidelines, advisories and circulars on implementation of this Act and the County Climate Change Policy by county government departments and agencies, and private entities in the county, including the extent to which this Act applies to various private entities with regard to the nature, size,

operations and the public interest involved in the operations of such entities.

(2) Any government department or agency, or private entity may seek advice from the Directorate on any matter relating to implementation of this Act and the County Climate Change Policy.

### **Public participation**

**28.** (1) The Directorate shall conduct public participation on proposed climate change response, mitigation or adaptation projects and activities, and any other projects or activities that may directly or indirectly contribute to climate change in the county.

(2) In conducting public participation, the Directorate shall endeavour from a gender, disability and intergenerational responsive perspective to effect the broadest possible participation of all relevant individuals and groups in the county, taking into account vulnerability, safety and socio-economic barriers.

### **Access to climate change information held by the directorate.**

**29.** (1) Subject to Article 35 of the Constitution and the law relating to access to information, the Directorate shall proactively publish and publicize any information within its mandate affecting the county.

(2) A request by any person for information regarding climate change in the county —

- (a) shall be addressed to the Director or any other person the Director may designate for that purpose; and
- (b) may be subject to the payment of a reasonable fee in instances where the Directorate incurs an expense in providing the information.

(3) To the greatest extent possible without altering the original version, records shall be disclosed in a user-friendly and plain language format that is understandable to a lay person, including by providing a descriptive explanation of technical information.

(4) Subject to Article 35 of the Constitution and the law relating to access to information, the Directorate shall give information to a person provided—

- (a) giving the information does not endanger the safety or life of any person;
- (b) the information requested is not at a deliberative stage; or
- (c) the person pays for the prescribed fee where applicable.

(5) The right of access to information under Article 35 of the Constitution and the law relating to access to information is limited only to the nature and extent specified under sub-section (4).

## **PART VII—REPORTING AND RECORD KEEPING**

### **Reporting, monitoring and evaluation**

**30.** (1) Within fourteen (14) calendar days of the 30th day of June of each year, every county government department and agency shall submit to the Steering Committee a report covering the year ending 30th June, detailing the status and progress of performance and implementation of all assigned climate change duties and functions.

(2) Upon receiving the reports in sub-section (1), the Steering Committee shall undertake an evaluation of performance of climate change duties and functions.

(3) Where an evaluation report discloses unsatisfactory performance, the Directorate shall investigate and report the findings to the Steering Committee within thirty days of receiving the evaluation report.

(4) If any county government department or agency systematically fails to comply with its assigned climate change duties and functions under this Act or the County Climate Change Policy, the Steering Committee shall prepare and submit to the County Assembly a report detailing the failure to comply with obligations under this Act, and the County Assembly shall take appropriate action.

### **Progress reports**

**31.** (1) The County Executive Committee Member shall prepare and submit quarterly reports on the work of the secretariat to the Steering Committee and the County Assembly.

(2) The Ward Climate Change Committees shall prepare and submit quarterly activity reports to the Directorate.

(3) The Steering Committee shall, within three months after the end of each financial year, prepare a consolidated annual progress report on the overall implementation of the County Climate Change Policy, for consideration by the County Assembly.

(4) A copy of the report in sub-section (3) shall be forwarded to the National Climate Change Directorate.

(5) The report in sub-section (3) shall be published and disseminated in the county through the Directorate's public education and access to information function.

**Maintenance and retention of records**

**32.** (1) The Directorate shall create, keep, organize, maintain and manage records that are accurate, authentic, have integrity and are useable in a manner that facilitates access to information.

(2) Subject to any law relating to creation, retention and disposal of public records, the Directorate shall maintain its records for a minimum period of ten (10) years, and shall prepare a records schedule that sets out, for each class of public records that they create or receive, the length of time the records will be retained and the manner of disposal of the records at the end of their retention period.

(3) Despite the provisions of sub-section (2), personal information shall be retained only as long as necessary to fulfil the purposes for which it is collected or received and personal information that is no longer required to fulfil these purposes shall be destroyed, erased, or made anonymous.

**PART VIII—FINANCIAL PROVISIONS****Annual estimates**

**33.** (1) At least three months before the commencement of each financial year, the Steering Committee shall cause to be prepared estimates of the administrative costs of the Directorate for that year.

(2) The annual estimates shall make provision for all estimated expenditures of the Directorate for the financial year concerned, and in particular shall provide for the—

- (a) payment of the salaries, allowances and other charges in respect of the staff of the Directorate;
- (b) payment of pensions, gratuities and other charges in respect of retirement benefits to staff of the Directorate;
- (c) proper maintenance of the facilities of the Directorate;
- (d) payment of administrative costs and sitting allowances of the Ward Climate Change Committees; and
- (e) Creation of such reserve funds to meet future or contingent liabilities in respect of any matters as the Director may consider appropriate.

(3) The annual estimates shall be approved by the Steering Committee before the commencement of the financial year to which they relate.



(4) The County Executive Member shall submit the approved annual estimates to the County Treasury in the form and manner directed by the County Treasury, with a copy to the Controller of Budget.

#### **Accounts and audit**

**34.** (1) The Steering Committee shall cause to be kept all proper books and records of accounts of the income, expenditure, assets and liabilities of the Directorate.

(2) The Chief Officer responsible for climate change shall prepare and submit quarterly financial reports to the Steering Committee.

(3) Within three months after the end of each financial year the Chief officer responsible for climate change shall prepare accounts and an annual financial report for the approval of the Steering Committee and submission to the County Assembly.

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

### **PART IX — MISCELLANEOUS PROVISIONS**

#### **Protection from personal liability**

**35.** No member of the Steering Committee or Directorate or person working under the direction of the Steering Committee or Director shall be liable to any action, claim, suit or demand whether criminal or civil in respect of anything done or omitted to be done by that person in good faith in the exercise or purported exercise of a power, function or duty conferred by or under this Act.

#### **Regulations**

**36.** The Steering Committee may, with the approval of the County Assembly, make Regulations generally for the proper carrying out of the purposes and provisions of this Act and in particular, may make Regulations—

- (a) requiring county government departments and agencies to furnish such information as may from time to time be required by the Steering Committee;
- (b) prescribing the procedure to be followed for nomination of members of the Steering Committee under s.5(2)(e) and (f), and co-option of members of the Steering Committee under s.5(3);
- (c) prescribing the procedure to be followed for election of members of the Ward Climate Change Committees;

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- (d) providing for sitting allowances for the Steering Committee and the Ward Climate Change Committees;
- (e) prescribing the procedure for conduct of the Steering Committee and the Ward Climate Change Committees; and
- (f) prescribing anything which may be or is required to be prescribed under this Act.