

**PUBLIC FINANCE MANAGEMENT ACT, 2012  
(TAITA TAVETA COUNTY CLIMATE CHANGE FUND) REGULATIONS 2021**

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## THE PUBLIC FINANCE MANAGEMENT ACT, 2012

(No.18 of 2012)

IN EXERCISE of powers conferred by Section 116 of the Public Finance Management Act number 18 of 2012, the Taita Taveta County Executive Committee Member for the time being in charge of the County Treasury makes the following Regulations:

The Public Finance Management ACT (Taita Taveta County Climate Change Fund) Regulations, 2020

<b>PART I – PRELIMINARY</b>	
Citation	1. These regulations may be cited as the Public Finance Management Act (Taita Taveta County Climate Change Fund) Regulations 2020
Interpretation	2. In these Regulations, unless the context otherwise requires:  “ <b>Authority</b> ” means the power or right to give orders, make decisions, and enforce obedience;  “ <b>County Treasury</b> ” has the meaning assigned to it by section 2 of the Public Finance Management Act, 2012  “ <b>Fund Participating Institutions</b> ” means national, regional and international institutions that have contributed to the Fund or are implementing climate change related activities in the county  “ <b>adaptation</b> ” means adjustment in natural or human systems in response to actual or expected climatic stimuli or their effects in order to moderate harm or exploit beneficial opportunities  “ <b>adaptive capacity</b> ” means the ability of a system to adapt to the impacts, cope with the consequences, minimise potential damages, or take advantage of opportunities offered by climate change or climate variability  “ <b>Authority</b> ” means the National Environment Management Authority established by the Environmental Management and Coordination Act, 1999 as amended by the Environmental Management and Coordination (Amendment) Act, 2015;  “ <b>climate change</b> ” means a change in the climate system which is caused by significant changes in the concentration of greenhouse gases as a consequence of human activities and which is in addition to natural climate change that has been observed during a considerable period of time  “ <b>climate change unit</b> ” means the County Climate Unit established to support coordination of climate change matters in

	<p>the County as envisaged by section 19(3) of the Climate Change Act, 2016</p> <p>“<b>constitution</b>” means the Constitution of Kenya, 2010</p> <p>“<b>county</b>” means Taita Taveta County</p> <p>“<b>county assembly</b>” means the County Assembly of Taita Taveta County</p> <p>“<b>county government</b>” means the Taita Taveta County Government</p> <p>“<b>directorate</b>” means the Climate Change Directorate established under section 9(1) of the Climate Change Act, 2016,</p> <p>“<b>environment</b>” has the meaning assigned to it in section 2 of the Environmental Management and Coordination Act</p> <p>“<b>executive committee member</b>” means the County Executive Committee Member for the time being in charge of environmental matters in Taita Taveta County</p> <p>“<b>fund</b>” means the County Climate Change Fund established under section 4 of this regulations</p> <p>“<b>fund administrator</b>” means the Administrator of the County Climate Change Fund established under section 8 of this Regulation</p> <p>"<b>mitigation</b>" 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</p> <p>“<b>planning committee</b>” means the County Climate Change Planning Committee established under section 22 of this regulation</p> <p>"<b>private entity</b>" means a body or person with functions of a private nature, and includes bodies registered under the Public Benefits Organizations Act, 2013</p> <p>"<b>public entity</b>" means a body or person with functions of a public nature;</p> <p>"<b>resilience</b>" 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</p> <p>“<b>steering committee</b>” means the County Climate Change Steering Committee established under section 16 of this regulations</p>
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	<p><b>"vulnerability"</b> 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</p> <p><b>"ward planning committee"</b> means the Ward Climate Change Planning Committee established under section 29 of this regulation</p>
Objects	3. The object of these Regulations is to establish the Taita Taveta County Climate Change Fund, define the procedures for management, operations and winding up of the Fund.
<b>PART II: ESTABLISHMENT OF THE TAITA TAVETA COUNTY CLIMATE CHANGE FUND</b>	
Establishment of the fund	4. There is established a fund to be known as Taita Taveta County Climate Change Fund
Purpose of the fund	<p>5. (1) The object and purpose of the Fund is to provide funding for climate change activities identified in the County Climate Change Action Plan and County Climate Finance Framework and for connected purposes</p> <p>(2) Specifically, the fund shall be used to finance:</p> <ul style="list-style-type: none"> <li>(a) climate resilience assessments</li> <li>(b) implementation of climate change response projects proposed by Ward Planning Committees and communities approved by the Planning Committee</li> <li>(c) priority county level climate change response projects approved by the Planning Committee</li> <li>(d) climate change research and knowledge management in the county</li> <li>(e) public education, sensitization and awareness creation on climate change and its impacts</li> <li>(f) capacity building for staff of the county and other stakeholders to effectively respond to climate change</li> <li>(g) monitoring, evaluation, reporting and learning on climate change response in the county</li> <li>(h) any other projects, activities and interventions recommended by the Planning Committee and approved by the Steering Committee</li> </ul>
Lifespan of the fund	6. The fund shall exist for a period of 10 years

Extension of lifespan of the fund	7. The authority to extend the fund lifespan to a period greater than ten years shall be sought from the county Executive Committee and County Assembly
Winding up	8. (1) The Fund may be wound up at the recommendation of the Executive Committee Member for the time being in charge of the County Treasury in consultation with the Steering Committee, and subject to the approval of the County Assembly (2) Winding up of the Fund shall be done in accordance with the provisions of the Public Finance Management Act, 2012
Fund administrator	9. There shall a Fund Administrator who shall be appointed by the Executive Committee Member for the time being in charge of the County Treasury
Functions of the Fund Administrator	10. The Fund Administrator shall supervise administration and day-to-day operations of the Fund, and specifically; <ul style="list-style-type: none"> <li>i. consult with the Steering Committee and the Executive Committee Member on all matters related to the administration of the Fund;</li> <li>ii. ensure that disbursement of monies out of the Fund is done in a timely and efficient manner and in accordance with the provisions these Regulations and the Public Finance Management Act, 2012;</li> <li>iii. cause to be kept proper books of account and records on the operations of the Fund;</li> <li>iv. prepare, sign and submit a statement of account in respect of each financial year and within three months after the end thereof to the Steering Committee for consideration and approval</li> <li>v. prepare periodic reports on the financial and non-financial performance of the Fund and present the same to the Steering Committee for consideration and approval</li> <li>vi. ensure compliance with decisions and recommendations of the Steering Committee and submit periodic reports on such compliance;</li> <li>vii. be the custodian of all assets, equipment and properties of the Fund;</li> <li>viii. perform such other functions as may be assigned by the Steering Committee from time to time</li> </ul>
Removal of Fund Administrator	11. The Fund Administrator may:

	<p>(a) at any time resign from office by issuing three months’ notice in writing to the chairperson of the Steering Committee</p> <p>(b) be removed from office by the Executive Member for the time being in charge of Finance on the recommendation of the Steering Committee on any one or a combination of the following grounds:</p> <ul style="list-style-type: none"> <li>(i) serious violation of the Constitution or any other written law;</li> <li>(ii) gross misconduct, whether in the performance of the functions of office or otherwise;</li> <li>(iii) physical or mental incapacity to perform the functions office;</li> <li>(iv) incompetence; or bankruptcy</li> </ul>
Capital of the fund	<p>12. The initial capital of the Fund shall be not less than two percent of the annual development budget of the county appropriated by the County Assembly in the financial year commencing immediately after the date of commencement of these Regulations.</p>
Sources of the fund	<p>13. The Fund shall consist of:</p> <ul style="list-style-type: none"> <li>(b) Monies appropriated by the Taita Taveta County Assembly annually, not being less than two percent of the county development budget</li> <li>(c) Monies received by the County from the national government pursuant to the Public Finance Management Act</li> <li>(d) Climate finance received by the county from the National Climate Change Fund</li> <li>(e) International climate finance received by the county directly from the National Designated Authority, National Implementing Authority or any other agency</li> <li>(f) Donations, endowments, bequests, grants and gifts from local or foreign individuals, public and private entities</li> <li>(g) Charges, fees, levies or fines accruing to the county government in connection with activities that adversely impact on climate change in the county</li> <li>(h) Interest and any other monies that may lawfully accrue to the Fund in any form</li> </ul>



Expenditure of the fund	<p>14.(1) There shall be paid out of the Fund payments in respect of expenses incurred pursuant to the objects and purposes of the Fund.</p> <p>(2) Expenditure in respect of administrative costs shall not exceed three percent of the total payments out of the Fund in any financial year</p> <p>(3) All monies received, savings and accruals to the Fund and any balances not spent at the end of the financial year shall be retained in the Fund to be used in subsequent years for the purposes for which the Fund is established.</p>
Reallocation of funds	<p>15. (1) The Fund Administrator may, in consultation with the Steering Committee, the Planning Committee and the relevant Ward Planning Committee, reallocate funds allocated to a project which for reasons communicated to the Steering Committee cannot be absorbed or utilized and will not subsequently be needed for the particular project</p> <p>(2) Such reallocation of funds shall only be done across projects within the same ward, save in situations where the reallocation is done to address a disaster declared by the Governor.</p> <p>(3) A report of all budget reallocations in a ward shall be filed in the Project Fund Reallocation Form (Form B in the Schedule hereto) giving details of the project, its location, funds reallocated, amount originally allocated, amount unutilized and proposed reallocations, with reasons.</p>
<b>PART III: THE TAITA TAVETA CLIMATE CHANGE FUND STEERING COMMITTEE</b>	
Establishment of the steering committee	16. There is established the Taita Taveta County Climate Change Fund Steering Committee
Functions of the steering Committee	<p>17. The Steering Committee shall coordinate and oversee climate change response in the county, and in this connection shall:</p> <p>(a) ensure mainstreaming of climate change into county planning and development processes;</p> <p>(b) coordinate formulation and monitor implementation of the County Climate Change Action Plan, County Climate Finance Framework and any other county climate change policies, plans and strategies</p> <p>(c) mobilize funds into and administer the County Climate Change Fund established under regulation;</p>

	<ul style="list-style-type: none"> <li>(d) review, approve and monitor implementation of Regulations for administration and management of the Fund</li> <li>(e) review and make recommendations on the biennial report on implementation of the County Climate Change Action Plan and any other reports on climate change response interventions in the county</li> <li>(f) advise the county government on legislative, policy and other measures necessary for climate change response and attainment of low carbon climate resilient development;</li> <li>(g) approve and oversee the implementation in the county of a comprehensive programme of climate change education, awareness creation and capacity building;</li> <li>(h) provide policy direction on research, training and dissemination of information relating to climate change to the public and other stakeholders the county;</li> <li>(i) ensure positive linkages, interactions and synergy between the county, neighbouring counties and the national government in climate change response programming and action;</li> <li>(j) ensure a coordinated approach to climate change response programming and action within the county government, between the county government and national government, and among the different stakeholders in the county; and</li> <li>(k) coordinate the formulation of a climate change reporting framework, and the preparation and dissemination of an annual report on climate change response activities in the county</li> <li>(l) perform any other functions that may further the foregoing objectives and/or may be assigned by the Governor</li> </ul>
<p>Composition of the steering Committee</p>	<p>18.(1) The Steering Committee shall comprise of 13 members who shall be appointed to the Committee by the Governor.</p> <p>(2) The members of the Steering Committee shall be:</p> <ul style="list-style-type: none"> <li>(a) Governor as chairperson</li> <li>(b) Executive Committee Member in charge of Environment as Secretary</li> </ul>

	<ul style="list-style-type: none"> <li>(c) Executive Committee Member in charge of the County Treasury</li> <li>(d) Executive Committee Member in charge of agriculture, livestock and fisheries</li> <li>(e) Executive Committee Member in charge of health</li> <li>(f) Executive Committee Member in charge of lands, urban development and housing</li> <li>(g) County Drought Coordinator or the national government official for the time being responsible for coordination of drought response in the county</li> <li>(h) County representative of the National Environment Management Authority</li> <li>(i) One representative of a duly registered public benefit organizations working in the county nominated by the umbrella organization representing the largest number of public benefit organizations in the county</li> <li>(j) One representative of the private sector in the county nominated by the umbrella organization representing the private sector in the county</li> <li>(k) One representative of women in the county nominated by the umbrella organization representing the largest number of women’s organizations in the county</li> <li>(l) One representative of youth in the county nominated by the umbrella organization representing the largest number of youth organizations in the county</li> <li>(m) One representative of PLWD in the county nominated by the umbrella organization representing the largest number of youth organizations in the county</li> <li>(n) Fund Administrator, as an <i>ex-officio</i> member with no voting rights</li> </ul> <p>(3) A person shall only qualify to be nominated for appointment under subsections (1)(i), (j), (k) and (l) if the person has demonstrable experience, expertise and interest in issues of climate change, natural resource management and/or environmental conservation and has actively and publicly engaged with these issues in the county</p>
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	<p>(4) Without prejudice to the provisions of subsection (2) a person shall not qualify to be nominated for appointment under subsections (1)(i), (j), (k) and (l) unless such person is:</p> <ul style="list-style-type: none"> <li>(a) a citizen of Kenya:</li> <li>(b) fulfils the requirements of Chapter 6 of the Constitution; and</li> <li>(c) has at least five years' experience in the relevant field.</li> </ul> <p>(5) The Governor shall ensure compliance with the two thirds gender principle in the appointment of members of the Steering Committee</p>
Secretariat of the Steering Committee	20.The Climate Change Unit shall serve as the Secretariat of the Steering Committee
Meetings of the Steering Committee	<p>21. (1) Members of the Steering Committee shall at their first meeting elect a vice-chairperson from amongst the members appointed under section 7(1)(i), (j), (k) and (l)</p> <ul style="list-style-type: none"> <li>(2) The Steering Committee shall meet at least once every quarter in each financial year.</li> <li>(3) The quorum for meetings of the Steering Committee shall be two thirds of the membership</li> <li>(4) A resolution of the Steering Committee shall require an affirmative vote of at least one half of the members present at a meeting, excluding the chairperson's vote which shall be a casting vote</li> <li>(5) In the absence of the chairperson, the vice-chairperson shall chair meetings of the Steering Committee, and in the absence of both the chairperson and the vice-chairperson members in attendance shall elect one of them to chair the meeting.</li> <li>(6) The Steering Committee may invite to its meetings any technical staff of the national or county government who it considers will contribute to its deliberations, and the attendance and participation of such person shall be recorded in the Minutes of the Steering Committee</li> </ul>
Allowances for members of the Steering Committee	22. Members of the Steering Committee shall be paid such allowances as are stipulated by Guidelines from the Salaries and Remuneration Commission
<b>Part IV:Taita Taveta County Climate Change Planning Committee</b>	
Establishment of Planning Committee	23.There is established the County Climate Change Planning Committee, which shall comprise of 14 members appointed to the Committee by the Executive Committee Member for the time

	<p>being in charge of climate change matters in consultation with the Executive Committee Member for the time being in charge of the County Treasury</p>
<p>Functions of Planning Committee</p>	<p>24. The functions of the Planning Committee shall be:</p> <ul style="list-style-type: none"> <li>(a) to coordinate planning, and implementation of projects and activities for climate change response in the county;</li> <li>(b) to coordinate implementation of the County Climate Change Action Plan and the County Climate Finance Framework</li> <li>(c) establish guidelines to be used by Ward Planning Committees in formulating climate response projects for funding by the County Climate Change Fund</li> <li>(d) support Ward Planning Committees in development and implementation of climate response projects</li> <li>(e) coordinate development and implementation of the County Climate Change Fund Regulations</li> <li>(f) advise the Steering Committee on strategies, priority programmes, projects and activities for climate change response in the county</li> <li>(g) formulate and implement strategic actions to foster climate change education, awareness creation and capacity development in the county</li> <li>(h) to coordinate research and knowledge management on climate change, its impacts and strategies for responding thereto</li> <li>(i) prepare and disseminate an annual report on climate change response activities in the county</li> <li>(j) formulate and implement a county monitoring, evaluation and reporting framework for climate change response</li> <li>(k) perform any other functions assigned to it by the Steering Committee</li> </ul>
<p>Composition of Planning Committee</p>	<p>25. Members of the Planning Committee shall be:</p> <ul style="list-style-type: none"> <li>(i) Chief Officer in charge of climate change matters who shall be the chairperson</li> <li>(ii) Director in charge of the climate change unit, who shall be the Secretary</li> <li>(iii) County Director in charge of finance and planning</li> </ul>

	<ul style="list-style-type: none"> <li>(iv) County Director in charge of agriculture, livestock and fisheries</li> <li>(v) County Director in charge of health</li> <li>(vi) County Director in charge of Lands, Urban Planning and Housing</li> <li>(vii) County representative of the National Environment Management Authority or a designated representative</li> <li>(viii) County Drought Coordinator or a designated representative</li> <li>(ix) County Director of Meteorology</li> <li>(x) One representative of duly registered public benefit organizations working in the county nominated by the umbrella organization representing the largest number of public benefit organizations</li> <li>(xi) One representative of the private sector in the county nominated by the umbrella organization representing the largest number of private sector organizations in the county</li> <li>(xii) One representative of women in the county nominated by the umbrella organization representing the largest number of women’s organizations in the county</li> <li>(xiii) One representative of youth in the county nominated by the umbrella organization representing the largest number of youth organizations in the county</li> <li>(xiv) One representative of PLWD in the county nominated by the umbrella organization representing the largest number of youth organizations in the county</li> <li>(xv) The Administrator of the Fund, who shall be an <i>ex-officio</i> member with no voting rights</li> </ul> <p>(2) Members of the Planning Committee shall at their first meeting elect a vice-chairperson from among the members nominated for appointment under subsection (1)(ix), (x), (xi) and (xii)</p>
<p>Appointment and Term of Planning Committee</p>	<p>26. (1) Members of the Planning Committee shall be appointed by the Executive Committee Member for the time being in charge of climate change matters</p> <p>(2) Members of the Planning Committee appointed under section 15(1)(ix), (x), (xi) and (xii) shall serve for one non-renewable term of five years</p>

Secretariat of Planning Committee	27. The County Climate Change Unit shall serve as the Secretariat of the Planning Committee
Meetings of Planning Committee	<p>28.(1) The Planning Committee shall meet at least once every quarter in each financial year</p> <p>(2) The 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</p> <p>(3) The quorum for meetings of the Planning Committee shall be two thirds of the members</p> <p>(4) A resolution of the Planning Committee shall require an affirmative vote of more than one half of the membership present at a meeting, excluding the chairperson’s vote which shall be a casting vote.</p> <p>(5) In the absence of the chairperson, the vice chairperson shall preside over a meeting, and in the absence of both the chairperson and the vice-chairperson, the members in attendance shall elect one of them to chair the meeting; provided that no two consecutive meetings shall be held without either the chairperson or the vice-chairperson being present</p> <p>(6) The Planning Committee may invites to its meetings any technical staff of the national or county government who 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</p>
Allowances for members of Planning Committee	29. Members of the Planning Committee shall be paid such allowances as are stipulated by Guidelines from the Salaries and Remuneration Commission
<b>Part V: The Ward Climate Change Planning Committee</b>	
Establishment of Ward Planning Committees	30. There shall be established a Ward Climate Change Planning Committee in each ward.
Functions of Ward Planning Committee	<p>31. The functions of the Ward Planning Committee shall be:</p> <p>(a) to coordinate and mobilize communities and other stakeholders in the ward to design and implement climate change response activities</p> <p>(b) to facilitate research and knowledge management at the ward level on climate change, its impacts and strategies for responding thereto</p>

	<ul style="list-style-type: none"> <li>(c) facilitate public education, awareness creation, and capacity building at the ward level on climate change, its impacts and strategies for responding thereto</li> <li>(d) to coordinate, facilitate and manage community consultations on priority climate change response activities</li> <li>(e) participate in county planning and budgeting processes with a view to ensuring the mainstreaming of climate change and prioritization of climate change response in county development plans</li> <li>(f) facilitate public participation in climate change governance, implementation of agreed climate change response activities, and monitoring of those activities</li> <li>(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</li> <li>(h) oversee implementation of climate change response projects funded by the County Climate Change Fund and report thereon to the Planning Committee</li> </ul> <p>perform any other functions that may be assigned to it by the Planning Committee</p>
<p>Composition of Ward Planning Committee</p>	<p>32.(1) A Ward Planning Committee shall be composed of 9 members representing the diverse interests in the community, namely:</p> <ul style="list-style-type: none"> <li>(i) Chairperson who shall be elected from among the members</li> <li>(ii) Two youth representative of opposite gender</li> <li>(iii) One representative of women</li> <li>(iv) One representative of each of the three economic activities in the ward</li> <li>(v) One representative person living with disability</li> <li>(vi) A representative of religious groups operating in the ward</li> <li>(viii) Two person representing Community-Based Organizations in the Ward and actively engaged in climate change response activities who shall be nominated by an umbrella organization representing the largest number of such organizations in the Ward</li> <li>(ix) the Ward Administrator who shall be the Secretary, and an <i>ex-officio</i> member with no voting rights</li> </ul> <p>(2) Nomination of members falling under subsections (1)(i), (ii), (iii), (iv), (v), (vi) and (viii) shall be conducted by</p>



	<p>representatives of the respective groups at a meeting convened by the Ward Administrator at the Ward headquarters for that purpose and presided over by the Subcounty Environment Officer or a representative thereof.</p> <p>(3) The Ward Administrator shall ensure that all interest groups are equitably represented by location at the nominations meeting, and the list of persons attending the meeting disaggregated by interest group and location shall constitute part of the record of the meeting.</p> <p>(4) The notice convening the meeting under subsection (2) shall be issued not less than 14 days prior the date thereof, and shall be widely publicized through public barazas, community radio stations, and other all forms of media available in the ward</p> <p>(5) Nomination of the representative of Community-Based Organizations shall be done through a meeting convened by the relevant network for that specific purpose, and communicated to the Ward Administrator in writing with a certified copy of the resolution.</p> <p>(6) Where there is no officially recognized ward level network of Community-Based Organizations, the Ward Administrator will consult with the chiefs in the ward to agree on the appropriate representative under subsection (1)(vii).</p> <p>(7) Within 30 days of the conclusion of the nominations, the Ward Administrator shall present the list of nominees to the Subcounty Administrator who shall formally appoint the members, publicize the list as widely as possible within the ward, and share it with the County Planning Committee for information.</p>
Officers of the Ward Planning Committee	<p>33.(1) The first activity of the Ward Planning Committee at its first sitting shall be the election of a chairperson and a vice-chairperson from among the members</p> <p>(2) The chairperson and the vice-chairperson shall not be members of the same gender</p>
Qualifications for appointment to Ward Planning Committees	<p>34.(1) A person shall not qualify for appointment to serve on the Ward Planning Committee, unless he or she:</p> <ul style="list-style-type: none"> <li>(a) is a resident of the ward</li> <li>(b) fulfils the requirements of Chapter Six of the Constitution on leadership and integrity</li> <li>(c) demonstrates basic knowledge of climate change and environmental issues and has engaged in activities aimed at addressing the said challenges in the county</li> </ul>

	<p>(d) indicates willingness to serve the community</p> <p>(2) Without prejudice to the provisions of subsection (1), persons nominated under section 22(1)(iii), (iv), and (vii) shall have a minimum of form four level of education, provided that where this requirement may impose inordinate constraints, the Executive Committee Member shall determine the appropriate educational qualification.</p>
<p>Term of Ward Planning Committees</p>	<p>35. (1) Save for the Ward Administrator, and subject to subsection (2) hereof, members of the Ward Planning Committee shall serve for one non-renewable term of five years</p> <p>(2) Without prejudice to the provisions of subsection (1), and in order to ensure continuity, the members of the Ward Planning Committee shall at their first meeting decide by lot which five of them will retire at the end of three years.</p>
<p>Meetings of Ward Planning Committee</p>	<p>36. (1) The Ward Planning Committee shall meet at least once in every quarter.</p> <p>(2) Save for the inaugural and emergency meetings, which shall be held at the ward headquarters, regular meetings of the Ward Planning Committee shall be convened and held in the different locations of the ward on a rotational basis</p> <p>(3) The quorum for meetings of the Ward Planning Committee shall be two thirds of the members</p> <p>(4) A resolution of the Ward Planning Committee shall require an affirmative vote of more than one half of the membership present at a meeting, excluding the chairperson’s vote which shall be a casting vote.</p> <p>(5) In the absence of the chairperson, the vice chairperson shall preside over a meeting, and in the absence of both the chairperson and the vice-chairperson, the members in attendance shall elect one of them to chair the meeting</p> <p>(6) Regular meetings of the Ward 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</p> <p>(7) A Ward Planning Committee may invite to its meetings any technical staff whose expertise and skills may be needed for purposes of a matter before the Committee, and the Ward Administrator shall ensure that technical staff in the ward are available to advise the Committee as and when necessary</p>
<p>Reimbursement of members of Ward Planning Committees</p>	<p>37. Members of the Ward Planning Committee shall serve on a voluntary basis, but may be reimbursed reasonable transport costs</p>

	at a rate to be determined by the County Treasury and the Fund Administrator
<b>PART VI – MANAGEMENT OF THE FUND</b>	
Oversight	<p>38. The Steering Committee shall provide oversight over the Fund and specifically:</p> <ul style="list-style-type: none"> <li>(a) Mobilize funds and resources for climate change response projects approved by the Planning Committee</li> <li>(a) approve estimates of revenue and expenditure of the Fund for each financial year;</li> <li>(b) approve annual budget, work plan, procurement plans and cash plans for the Fund;</li> <li>(c) allocate funding for cross-ward and cross-county climate change response projects</li> <li>(d) approve the financial statements of the Fund prepared by the Fund Administrator before they are presented for audit;</li> <li>(e) approve the County Climate Finance Framework and the strategic plan of the Fund;</li> <li>(f) set out procedures for application, disbursement, recovery and repayments of loans</li> <li>(g) approve disbursement of loans and grants;</li> <li>(h) deliberate, approve and provide directions to the secretariat as appropriate on periodic financial and operational reports;</li> <li>(i) approve performance reports of the Fund and submit to the Governor with a copy to the Executive Council Member</li> <li>(j) design procedures and mechanisms for effective and transparent administration of the Fund, including tracking and accounting of climate change finance and monitoring, evaluation, reporting and learning</li> </ul>
Bank account of the Fund	<p>61. (1) The Executive Committee Member for the time being in charge of the County Treasury shall issue guidelines on banking arrangements of the Fund under the provisions of the Public Finance Management Act, 2012.</p> <p>(2) The bank account for the Fund shall be:</p> <ul style="list-style-type: none"> <li>(a) managed by the Fund Administrator in consultation with the Executive Member for the time being in charge of the County Treasury</li> </ul>

	<p>(b) Signatories to the account shall be:</p> <ul style="list-style-type: none"> <li>(i) Chairperson of the Steering Committee</li> <li>(ii) Chief Officer in charge of Environment</li> <li>(iii) Fund Administrator</li> </ul> <p>(3) Cheques for administrative expenses shall be signed by any two of the signatories, but cheques to service providers for projects shall be signed by all three signatories; provided that the Fund Administrator shall sign all cheques issued by the Fund</p> <p>(4) The bank account for the Fund shall be subject to auditing under the provisions of the Public Finance Management Act, 2012</p>
Financial reporting procedures	<p>62. The Fund Administrator shall, in consultation with the Executive Committee Member for the time being in charge of the County Treasury, put in place financial controls to ensure fiduciary standards are maintained in all Fund operations and to achieve the desired transparency and accountability with a view to:</p> <ul style="list-style-type: none"> <li>(a) promoting regular accurate reporting of all financial transactions on climate change adaptation and mitigation;</li> <li>(b) ensuring that funds are disbursed efficiently to facilitate timely and effective implementation of projects funded by the Fund to maximize on outputs and outcomes;</li> <li>(c) ensuring that project implementers and oversight providers have the necessary capacity;</li> <li>(d) ensuring that procurement in all Fund projects is competitive, transparent and delivers value for money;</li> <li>(e) putting in place effective monitoring and evaluation system for both inputs and outputs; and</li> <li>(f) Ensuring that Fund financial management is subject to timely accounting, reporting and auditing by a qualified and independent auditor.</li> </ul>
Allowances	<p>63. (1) Members of the Steering Committee and the Planning Committee shall be paid allowances in accordance with Guidelines from the Salaries and Remuneration Commission. (2) Members of Ward Planning Committees shall serve on a voluntary basis, but may be reimbursed transport costs at rates to be determined by the County Treasury in consultation with</p>

	the Executive Committee Member for the time being in charge of climate change matters
<b>PART VII – DISBURSEMENT OF MONIES FROM THE FUND</b>	
Planning and budgeting	<p>42.(1) The Fund Administrator shall, prior to the commencement of each financial year:</p> <ul style="list-style-type: none"> <li>(a) prepare and circulate to the Steering the Committee, the Planning Committee and the Ward Planning Committees a list of funds available for climate adaptation and mitigation in the county to guide planning of projects;</li> <li>(b) provide details of conditional funds, if any, to target recipients;</li> <li>(c) submit a consolidated list of ongoing climate change response projects in the county to the Steering Committee, the Planning Committee and the Executive Committee Member for the time being in charge of the County Treasury</li> </ul> <p>(2) The information provided under subregulation (1) shall specify the funds approved by the Steering Committee for each ward</p> <p>(3) The Fund Administrator shall ensure the widest possible circulation through the media and public <i>baraza</i> of the information under sub regulation (1).</p>
Allocation of funds to wards	<p>43.In determining the allocation of funds to wards, the Steering Committee shall be guided by the following factors:</p> <ul style="list-style-type: none"> <li>(a) equitable distribution of the Fund across the county having regard to eligibility criteria;</li> <li>(b) giving priority to wards that are more prone to climate change related disasters; population distribution across the wards</li> </ul>
Funds distribution	<p>44,Monies available for disbursement from the Fund in any financial year shall be distributed as follows:</p> <ul style="list-style-type: none"> <li>(a) three percent for administrative costs, further allocated in the following manner: <ul style="list-style-type: none"> <li>i. forty percent for administrative costs of the Planning Committee; and</li> <li>ii. sixty percent for administrative costs of Ward Planning Committees</li> </ul> </li> <li>(b) twenty seven percent for county wide projects, further allocated in the following manner:</li> </ul>

	<ul style="list-style-type: none"> <li>i. ten percent to Climate Change Awareness Creation activities;</li> <li>ii. twenty percent to county specific research and development; and</li> <li>iii. seventy percent to county wide development projects proposed by Ward Planning Committees and approved by the Planning Committee</li> </ul>
Community consultations to identify priority projects	<p>45. (1) Prior to the commencement of the financial year, the Planning Committee in consultation with Ward Planning Committees shall convene at least one community consultation in each location in every ward for the purposes of:</p> <ul style="list-style-type: none"> <li>(a) creating public awareness about climate change;</li> <li>(b) providing information about the nature of project eligible for funding through the Fund; and</li> <li>(c) enabling communities to identify priority climate change response projects</li> </ul> <p>(2) Every Ward Planning Committee shall prepare and submit to the Planning Committee a report on community consultations held under subregulation (1).</p>
Development of project proposals	<p>46.(1) The Ward Planning Committee for each ward shall, on the basis of priorities identified in the communities consultations under regulation 16, develop project proposals with procurement plans for each project.</p> <p>(2) The Ward Planning Committee shall rank the projects in terms of priority, and present the list and the proposals to the Planning Committee using Form A in the Schedule</p>
Criteria for approval of projects	<p>47.(1) In reviewing project proposals for funding, the Planning Committee shall have regard to the following factors, among others:</p> <ul style="list-style-type: none"> <li>(a) proper situation analysis, with clear problem statement and clarity on the level and urgency of vulnerability and risk arising from delayed intervention;</li> <li>(b) relevance;</li> <li>(c) magnitude and possibility of risk occurrence;</li> <li>(d) promotion of gender and community cohesion, with due regard to vulnerable groups</li> <li>(e) support to strengthening of livelihoods, including through income generation</li> </ul>

	<ul style="list-style-type: none"> <li>(f) promotion of resilience in the locality through adaptation and mitigation;</li> <li>(g) evidence of properly conducted environmental impact assessment</li> <li>(h) complementarity, value-addition and synergy with existing projects;</li> <li>(i) clearly defined monitoring and evaluation plan;</li> <li>(j) sustainability;</li> <li>(k) innovativeness;</li> <li>(l) clearly defined stakeholder engagement plan</li> <li>(m) efficiency and effectiveness of implementation arrangements</li> <li>(n) cost-effectiveness and value for money</li> </ul> <p>(2) Provided that it shall be the responsibility of the Planning Committee and the Ward Planning Committees to support communities to be able to comply with the criteria for assessing project proposals</p> <p>(3) Provided further that the criteria shall not be used to prejudice or disadvantage any communities in accessing project funding from the Fund</p>
<p>Decision of Planning Committee on proposals</p>	<p>48.(1) The Planning Committee shall review proposals from Ward Planning Committees, and make a decision thereon within 30 days from the date of receipt.</p> <p>(2) The Planning Committee may constitute a Project Evaluation Team composed of the following persons in every ward for purposes of approving project proposals:</p> <ul style="list-style-type: none"> <li>(a) County technical staff seconded by relevant County Departments;</li> <li>(b) consultants and technical staff from fund participating institutions; and</li> <li>(c) consultants hired by the Planning Committee</li> </ul> <p>(3) The Planning Committee may require that Ward Planning Committees appear before it to defend their proposals and answer questions from members during the proposal review process</p> <p>(4) Upon reviewing the project proposals from the Ward Planning Committee, the Planning Committee may:</p> <ul style="list-style-type: none"> <li>(a) approve the project proposals;</li> </ul>

	<p>(b) reject the project proposals, giving reasons in writing;</p> <p>(c) instruct the respective Ward Planning Committee to make specified amendments to the project proposals, and in such case approve the amended proposal within three weeks of its submission</p>
Disbursement of funds for approved projects	<p>49.(1) Upon the Planning Committee approving projects, the Fund Administrator shall publish a list of approved and ranked projects, together with the procurement plans for each project.</p> <p>(2) The Fund Administrator shall then proceed to release monies to approved projects on quarterly or need basis according to cashflow projections submitted by implementers and approved by the Planning Committee</p>
Bank accounts for project funds	<p>50. (1) Each Ward Planning Committee shall open two bank accounts, one for operating expenses and the other for project funds.</p> <p>(2) The Fund Administrator shall only disburse funds to Ward Planning Committees through approved commercial banks.</p> <p>(3) Disbursed funds shall only be withdrawn by duly authorized signatories for use in meeting expenses of approved projects.</p>
Complaints mechanism	<p>51. (1) Any community member who is aggrieved by the decision of the Ward Planning Committee on projects forwarded to the Planning Committee for funding shall submit the complaint to the Fund Administrator</p> <p>(2) The Fund Administrator shall forward the complaint to the Planning Committee for determination</p> <p>(3) The Planning Committee shall make a determination on the complaint within a period of six weeks and submit a report to the Steering Committee with a copy to the Fund Administrator, who shall communicate the determination to the complainant in writing.</p> <p>(4) The determination of the Planning Committee shall be final.</p> <p>(5) The Planning Committee may develop guidelines for processing of complaints.</p>
Procurement	<p>52. (1) The Fund Administrator shall in consultation with the Executive Committee Member for the time being in charge of the County Treasury facilitate establishment of appropriate procurement systems for each Ward Planning</p>



	<p>Committee consistent with the requirements of the Public Procurement and Asset Disposal Act, 2015</p> <p>(2) The Fund Administrator shall liaise with the County Director of Procurement to facilitate capacity development on procurement procedures and systems for all Ward Planning Committees</p> <p>(3) Hiring of professionals and other service providers for approved and funded projects shall be done in accordance with the Public Procurement and Assets Disposal Act, 2015 and the Public Finance Management Act, 2012.</p>
Payment of suppliers and service providers	<p>53.</p> <p>(1) Each Ward Planning Committee shall monitor implementation of projects under its supervision and ensure that service providers meet the necessary terms of the contract in accordance with the approved implementation monitoring plan and disbursement program for each project.</p> <p>(2) Payments to suppliers and service providers shall be supported by approved documentation from each based on contract terms, project progress report, and approval of payment signed by at least two of the approved signatories.</p> <p>(3) Payment shall be in accordance with the Implementation Monitoring Plan and the Investment Schedule</p> <p>(4) The Ward Planning Committee shall submit quarterly reports to the Planning Committee and the Steering Committee reflecting payments made</p>
Projects implementation progress reports	<p>54.(1) The Planning Committee and Ward Planning Committees shall submit to the Steering Committee regular reports on projects under their supervision.</p> <p>(2) Ward Planning Committees shall prepare and submit to the Fund Administrator monthly financial reports with details of physical progress and financial expenditure on projects under their supervision, providing comparison between the project implementation schedule and the current status.</p> <p>(3) The reports shall be submitted in Form C</p>
Maintenance of records	<p>55.(1) The Planning Committee and Ward Planning Committees shall maintain full and accurate records of expenditures of the Fund, including:</p>

	<p>(a) all receipts in respect of every project and the sum total thereof;</p> <p>(b) all approved documents relating to every expenditure; and</p> <p>(c) relevant bank statements of project accounts</p> <p>(2) The Ward Planning Committees, the Planning Committee and the Steering Committee shall ensure that all Fund documents are secured and preserved for audit and reference purposes</p>
Financial reporting	<p>56. (1) The Fund Administrator shall prepare and submit quarterly reports to the Steering Committee through the Planning Committee for approval and onward submission to the Executive Committee Member for the time being responsible for the County Treasury.</p> <p>(2) The reports submitted under subregulation (1) shall provide details of:</p> <p>(a) programmes and projects funded by or in partnership with the Fund;</p> <p>(b) disbursements by each of the supporting financing and total amounts received;</p> <p>(c) funding status showing monies disbursed for each of the projects by ward and subcounty; and</p> <p>(d) a summary of ongoing climate change activities in the county</p> <p>(3) At the end of each financial year, the Fund Administrator shall prepare annual performance report, which on approval by the Steering Committee shall be submitted to Executive Committee Member for the time being responsible for the County Treasury for onward transmission to the County Assembly</p>
Annual report of the Fund	<p>57. (1) Not later than three months after the end of each financial year, the Fund Administrator shall prepare the annual report on the Fund.</p> <p>(2) The annual report shall include, <i>inter alia</i>:</p> <p>(a) the audited financial report of the Fund;</p> <p>(b) description of the activities of the Fund;</p> <p>(c) such other statistical information as the Fund may consider appropriate relating to the Fund’s functions;</p> <p>(d) the impact of the exercise of any of its mandate or function;</p>

	<p>(e) any impediments to the achievement of the objects and functions of the Fund;</p> <p>(f) such other information as the Executive Committee Member responsible for the Treasury may direct; and</p> <p>(g) any other information relating to its functions that the Steering Committee considers necessary.</p> <p>(4) The annual report shall be approved by the Steering Committee and published and publicized in a manner that the Governor may determine.</p>
<p>Audit</p>	<p>58. (1) The Fund Administrator shall cause to be kept proper books and records of account of its income, expenditure, assets and liabilities.</p> <p>(2) Within three months after the end of each financial year, the Fund Administrator shall submit to the Auditor-General the accounts of the Fund in respect of that year together with:</p> <p style="padding-left: 40px;">(a) a statement of the income and expenditure of the Fund during that year; and</p> <p style="padding-left: 40px;">(b) a statement of the assets and liabilities of the Fund on the last day of that financial year.</p> <p>(3) The annual accounts of the Fund shall be prepared, audited and reported upon in accordance with the provisions of Articles 226 and 229 of the Constitution and the Public Finance Management Act, 2012</p>
<p><b>PART VIII; MISCELLANEOUS PROVISIONS</b></p>	
<p>Declaration of interest</p>	<p>59. (1) A member of the Steering Committee, the Planning Committee or the Ward Planning Committee who has an interest in any business before the Committee and is present at the meeting shall as soon as it is reasonably practicable, declare his/her interest and shall thereupon be excused from the meeting and not take part in the consideration or discussion of, or vote on the matter</p> <p>(2) A disclosure of interest made under subregulation (1) shall be recorded in the minutes of the meeting at which it is made.</p> <p>(3) A member of Steering Committee, the Planning Committee or the Ward Planning Committee who contravenes subregulation (1) shall have his/her membership of the Committee terminated forthwith upon</p>

	<p>direction of the Executive Member for the time being in charge of the County Treasury.</p> <p>(4) Where a member is removed from a Committee under subregulation (3), the Executive Member for the time being in charge of the County Treasury shall make arrangements replacement as soon as practicable.</p>
Guidelines	<p>60. The Executive Committee Member for the time being in charge of the County Treasury shall in consultation with the Executive Committee Member for the time being in charge of environment and the Steering Committee develop guidelines for the proper implementation of these Regulations and management of the Fund</p>
Amendments	<p>61. (1) The Steering Committee may on its own motion or at the instance of any other interested party recommend to the Executive Committee Member for the time being in charge of the County Treasury any amendments to these regulations for consideration.</p> <p>(2) The Executive Committee Member for the time being in charge of the County Treasury shall subject any recommendation from the Steering Committee for amendments to these Regulations to public participation before giving effect thereto.</p>

**SCHEDULE**

**Form A**

**R. 15(2)**

**TAITA TAVETA COUNTY CLIMATE CHANGE FUND**



**COMMUNITY PRIORITY PROJECTS NOTIFICATION FORM**

Financial Year.....

Ward Name.....

	<b>Project title and location</b>	
<b>1</b>	<b>Project priority rank</b>	
1.1	Short description and target beneficiaries	
1.2	Justification	
1.3	Description of proposed measures	
<b>2</b>	<b>Project costs</b>	
2.1	Pre-construction costs	
2.2	Construction costs	
2.3	Additional infrastructure	
2.4	Design and supervision	
2.5	Contingencies	
2.6	Total project cost	
2.7	Estimated annual operating costs	
2.8	Annual maintenance costs	
<b>3</b>	<b>Total estimated costs for the year</b>	
<b>4</b>	<b>Sources of finance</b>	
4.1	Development costs	
4.2	Operations and maintenance costs	
<b>5</b>	<b>Staffing and maintenance arrangements</b>	
<b>6</b>	<b>Relationship with other projects</b>	
<b>7</b>	<b>Project timeframe (period of implementation</b>	

Form B

**R. 10(3)**

**TAITA TAVETA COUNTY CLIMATE CHANGE FUND**



**PROJECT FUNDS REALLOCATION FORM**

Ward Name.....

Financial Year.....

<b>Project No.</b>	<b>Project Location</b>	<b>Amount Allocated (Kshs.)</b>	<b>Amount Disbursed (Kshs.)</b>	<b>Balance (Kshs.)</b>	<b>Unspent to be Reallocated</b>

**Reasons for reallocation**

**Signature**

**Date**

**Name**

**Position**

**TAITA TAVETA COUNTY CLIMATE CHANGE FUND**



**PROJECT IMPLEMENTATION STATUS REPORT**

***Summary Sheet for COUNTY CLIMATE CHANGE FUND Project Implementation (Ongoing projects)***

Financial Year.....

Ward Name.....

	Type of Project	Location	Estimated total cost	Amount allocated	Expenditure todate	Variance				
						Q1	Q2	Q3	Q4	Total
1										
2										
3										

**Reasons for variances**

**Date**

**Signature and designations of signatories**