

NATIONAL COUNCIL FOR
LAW REPORTING
LIBRARY

COUNTY ASSEMBLIES FORUM (CAF)
P. O. Box 73552 - 00200,
NAIROBI, KENYA

SPECIAL ISSUE

Isiolo County Gazette Supplement No. 8 (Bills No. 7)



REPUBLIC OF KENYA

***ISIOLO COUNTY GAZETTE
SUPPLEMENT***

BILLS, 2016

NAIROBI, 27th June, 2016

CONTENT

Bill for Introduction into the County Assembly of Isiolo—

PAGE

The Isiolo County Climate Change Fund Bill, 2016..... 1

THE ISIOLO COUNTY CLIMATE CHANGE FUND BILL, 2016

ARRANGEMENT OF CLAUSES

Clause

PART I—PRELIMINARY

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

PART II—ADMINISTRATION

- 4—Establishment of the Board.
- 5—Administration of the Board.
- 6—Qualification of the chairperson of the Board.
- 7—Functions of the Board.
- 8—Conduct of the affairs of the Board.
- 9—Staff of the board.
- 10—County Planning Committee.
- 11—Functions of the County Planning Committee.
- 12—County Planning Committee Secretariat.
- 13—Conduct of the affairs of the County Planning Committee.
- 14—Ward Planning Committee.
- 15—Functions of the Ward Planning Committee.
- 16—Conduct of the affairs of the Ward Planning Committee.

PART III—FINANCIAL PROVISIONS

- 17—Establishment of the funds.
- 18—Sources of funds.
- 19—Administration of the fund.
- 20—Removal of the Fund Administrator.
- 21—Climate Finance Framework.
- 22—Bank Account of the Fund.
- 23—Administrative expenditure.
- 24—Accounts of the Board.

PART IV—DISBURSEMENT OF FUNDS

- 25—Allocation of fund to the Wards.
- 26—Eligibility Criteria.
- 27—Community Consultation Forums.
- 28—Development of Project Proposals.
- 29—Disbursement of funds for projects.
- 30—Procurement.
- 31—Complaints mechanism.

PART V—MISCELLANEOUS

- 32—Regulations.
- 33—Protection from liability.

SCHEDULES

FIRST SCHEDULE	Conduct Of The Affairs Of The Board
SECOND SCHEDULE	Sharing Of Funds
THIRD SCHEDULE	Procurement Matrix
FOURTH SCHEDULE	Forms

THE ISIOLO COUNTY CLIMATE CHANGE FUND BILL, 2016

A Bill for

AN ACT of the County Assembly of Isiolo for the establishment of a Climate Change Fund to facilitate and co-ordinate financing of Climate Change Adaption and Mitigation activities; and for connected purposes

ENACTED by the County Assembly of Isiolo as follows—

PART I—PRELIMINARY

Short title

1. This Act may be cited as the Isiolo County Climate Change Fund Act, 2016.

Interpretation

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

“administrator” means the County climate change fund administrator appointed in accordance with section 10 of this Act;

“board” means the County climate change fund management board established under section 7 of this Act;

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

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

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

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

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

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

“county” means Isiolo County;

“county assembly” means the Isiolo County Assembly;

“county government” means the Isiolo County Government;

“county planning committee” means the county climate change committee established under section 18 of this Act;

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

“county treasury” has the meaning assigned to it under section 103 of the Public Finance Management Act, 2012;

“executive member” means the County Executive Committee member in charge of finance in Isiolo County;

“financial year” means a period of twelve months ending on 30th June each year which is in conformity with the timelines for the County budget outlines in sections 125 and 131 of the Public Finance Management Act;

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

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

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

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

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

“public benefit organization” has the meaning assigned to it under the Public Benefits Organizations Act, 2014;

“steering committee” means the County Climate Change Fund Steering Committee established under section 14 of this Act;

“village administrator” has the meaning assigned to it under section 52 of the County Governments Act, 2012;

“ward” has the meaning assigned to it under Article 89 of the Constitution;

“ward planning committee” means the ward climate change fund committee established under section 22 of this Act.

Objects and Purposes of the Act

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

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

Establishment of the Board

4. (1) There is established a Board which shall be known as the Isiolo County Climate Change Fund Board.

(2) The board shall be a body corporate and shall in its corporate name be able to—

- (a) sue and be sued;
- (b) take, purchase or otherwise acquire, hold, charge or dispose of movable and immovable property;
- (c) borrow money or make investments; and
- (d) perform all functions under this Act which maybe lawfully performed by a body corporate.

Administration of the Board

5. The Board shall be administered by a Board of Directors which shall consist of—

- (a) one person, not being a public officer, recruited competitively by the Isiolo public service board, who shall be the chairperson;
- (b) the Chief Officer in charge Finance and Economic Planning;

- (c) the Chief Officer in charge of livestock;
- (d) the Chief Officer in charge of disaster and climate change management;
- (e) the County Director of the National Drought Management Authority in the County;
- (f) one person from a Participating Institutions;
- (g) one person representing of Public Benefit Organizations operating in the County;
- (h) persons representing religious institutions in the County;
- (i) one representative of the special groups.

Qualification of the Chairperson of the Board

6. A person shall be qualified for appointment as chairperson or a member appointed under section 5 (a) if the person—

- (a) is a resident of Isiolo County;
- (b) holds at least a degree qualification from a reputable academic institution;
- (c) has relevant experience in any aspect of environment management or Climate Finance;
- (d) meets the requirements of Chapter Six of the Constitution; and
- (e) has had a distinguished career in their respective fields.

Functions of the Board

7. The functions of the Board shall be—

- (a) to compile the projects approved by the County Planning Committee and prepare the County Climate Finance Budget;
- (b) based on criteria, ensure equitable allocation of the moneys available in the Fund with regard to the projects received by the County and Ward Planning Committees;
- (c) manage the administrative costs of the fund including the costs of the meetings and sitting of the Steering Committee, County Planning Committee and the Ward Planning Committee;
- (d) oversee the execution of the County Climate Finance Budget;
- (e) provide the essential linkages between the County Executive Committee and the County Assembly with regard to management of the Fund;

- (f) co-ordinate capacity building for Climate Change Awareness and Climate Finance;
- (g) co-ordinate research and development for Climate Change Finance;
- (h) mobilize funds for Climate Change Finance;
- (i) to approve the ward and county disbursement proposals by the Fund Administrator;
- (j) recruit a fund; and
- (k) any other matter relevant to the execution of the Board's mandate.

Conduct of the affairs of the Board

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

Staff of the Board

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

County Planning Committee

10. (1) There is established a Isiolo County Climate Change Fund Planning Committee which shall include directors of the following relevant departments nominated by their respective Chief Officers—

- (a) county treasury, as the chairperson;
- (b) department of water;
- (c) environment, Energy and Natural Resources;
- (d) one person representing the Public Benefit Organizations, nominated by Participating Institutions;
- (e) the National Drought Management Authority;
- (f) department of agriculture, livestock and fisheries;
- (g) county director metrological department;
- (h) director land and physical planning;
- (i) department of health; and
- (j) two sub county administrators.

Functions of the County Planning Committee

11. The County Planning Committee shall be a technical committee whose functions shall be to—

- (a) develop, consultatively, eligibility criteria for selecting and prioritizing climate change projects and programs for approval by the board;
- (b) on approval, the criteria shall be submitted to the Fund Administrator;
- (c) evaluate and recommend climate change proposals developed by the Ward Planning Committee and submit them to the board;
- (d) provide oversight to the project evaluation process by the Ward Planning Committee and prepare appropriate reports to the Climate Change Fund Board;
- (e) evaluate project proposals from County departments for eligibility under the Fund for the money set aside under section 17 of this Act;
- (f) develop and implement monitoring and evaluation framework for Climate Finance projects and programs to be facilitated by the board;
- (g) design a Climate Change Awareness strategy for the County;
- (h) develop a Climate Change research priority needs for the county;
- (i) assign and coordinate technical assistance from County departments to projects funded under this Act;
- (j) assist the board in developing the Climate Finance Framework; and
- (k) any other assignment from the board.

County Planning Committee Secretariat

12. The Fund Administrator shall avail human resource and other resources necessary for the execution of the functions of the County Planning Committee.

Conduct of the affairs of the County Planning Committee

13. (1) The County Planning Committee shall meet at least once in every quarter during the financial year and—

- (a) the Steering Committee shall prioritize the development of the eligibility criteria, approve and circulate it before the start of financial year; and

- (b) the County Planning Committee can meet any other time on need basis provided the limit on administrative costs per quarter is not exceeded.

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

(3) A resolution of the County Planning Committee shall require an affirmative vote of at least one half of the membership present at a meeting, excluding the chairperson's vote which shall be a casting vote.

(4) In the absence of the designated chairperson, the members present shall elect one amongst them to sit as the chair.

Ward Planning Committee

14. (1) There is established Ward Planning Committee in each Ward in Isiolo County.

(2) The Ward Planning Committee shall comprise the following persons.

- (a) one person, elected by the Ward Planning Committee who shall be chairperson and who shall meet following minimum qualifications—
 - (i) must be a resident of the respective ward;
 - (ii) must at least be able to read and write in English;
 - (iii) good leadership and trusted by the ward community;
 - (iv) proven track record of community services engagement in ward development initiatives; and
 - (v) be a member of ward planning committee.
- (b) the Ward Administrator, shall be an ex official of the committee to provide advisory services, establish interlinkages and provide necessary co-ordination;
- (c) three persons, representing interest groups in the ward (one woman, one youth, persons with disability);
- (d) one person representing Ward based Public Benefit Organizations/ community based organization, nominated by Participating Institutions;
- (e) two relevant government offices at the ward level nominated by the Ward Administrator who shall be ex officials; and
- (f) a Secretary elected by the ward committee for the respective Ward.

(3) The ward planning committee shall not have more than 11 members.

Functions of the Ward Planning Committee

15. (1) The roles of the Ward Planning Committee shall be to—

- (a) consult with the community on the relevant Climate change activities;
- (b) facilitating public participation at the ward level to develop and prioritise proposals for investments in public goods that building community resilience to climate change;
- (c) development of procurement plans for each project at ward level;
- (d) monitor implementation of projects at the ward level;
- (e) prepare the budget at the ward level;
- (f) preparing the Ward level project reports;
- (g) ensure compliance with the provisions within the Isiolo County Climate Fund Act and its regulations with respect to reporting and accountability; and
- (h) any other duty assigned by the County Planning Committee.

(2) The Ward Planning Committee shall have access to other County departments for technical assistance as may be required.

Conduct of the affairs of the Ward Planning Committee

16. (1) The Ward Planning Committee shall meet at least once every quarter of every financial year and—

- (a) shall prioritize development of eligibility criteria for the Ward before the financial year starts; and
- (b) can meet any other time on a need basis provided the limit on administrative costs per quarter is not exceeded.

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

(3) A resolution of the Ward Planning 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.

PART III—FINANCIAL PROVISIONS

Establishment of the funds

17. (1) There shall be established a fund known as the Isiolo Climate Change Fund.

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

(3) The Fund shall be used to finance priority climate change projects, programs and activities, including those required under The Climate Change Act, provided for in the Climate Finance Framework established under this Act.

Sources of funds

18. The Fund shall be financed through—

- (a) moneys appropriated by the County Assembly not less than two percent of the development expenditure in a financial year;
- (b) grants and loans from the National Climate Fund;
- (c) climate finance from national and international entities;
- (d) moneys received from Public Benefit Organizations;
- (e) fees and charges from climate finance activities; and
- (f) grants and donations.

Administration of the Fund

19. The fund shall be administered by a fund administrator whose functions shall be to—

- (a) prepare a framework for receiving and evaluating project proposals;
- (b) prepare and publish a yearly projects and program evaluation and implementation schedule stating—
 - (i) the key activities in a financial year;
 - (ii) the persons responsible for each task; and
 - (iii) the time frame for each process;
- (c) organize access to the services of the Board at the ward level;
- (d) maintain a update database of matters related to the fund;
- (e) implement the decisions of the Board;

- (f) publish the eligibility criteria for selection of projects developed by the County Planning Committee;
- (g) organize and co-ordinate the disbursement of moneys allocated to projects approved by the County Planning Committee;
- (h) co-ordinate capacity building for the Ward Planning Committees;
- (i) facilitating the implementation, monitoring and evaluation of framework established by the County Planning Committee;
- (j) develop a complaints handling and resolution mechanism;
- (k) facilitate the functions of the institutions created under this Act where appropriate;
- (l) co-ordinate and compel budget for the administrative costs per quarter for each institution under this Act; and
- (m) any other duty assigned by the board.

Removal of the Fund Administrator

20. The Fund Administrator may —

- (a) at any time resign from office by issuing at least one month notice in writing to the chairperson of the Board;
- (b) be removed from office by the Board on either of the following grounds—
 - (i) serious violation of the Constitution or any other written law;
 - (ii) gross misconduct, whether in the performance of the functions of the office or otherwise;
 - (iii) physical or mental incapacity to perform the functions of office;
 - (iv) incompetence; or
 - (v) bankruptcy.

Climate Finance Framework

21. (1) The Executive Member, with approval of the board, shall publish a Climate Finance Framework for the County every three years.

(2) The Climate Finance Frameworks shall be developed through a consultative process spearheaded by the board.

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

- (a) the status of Climate Change Awareness in the County;

- (b) context specific items in the National Climate Change Act, Policy and National Climate Change Action Plan that are applicable to the County;
- (c) impacts of climate change in the County including human activities that may exacerbate climate change;
- (d) climate Change Adaptation and Mitigation initiatives projects that are relevant in the County with regard to Climate Change Adaptation and Mitigation and the anticipated impact; and
- (f) any other relevant issues.

(4) The Climate Finance Framework shall be aligned to the County Planning Framework.

Bank Account of the Fund

22. (1) The Executive Member shall issue guidelines on the banking arrangements for the Fund under the provisions of the Public Finance Management Act.

(2) The bank account for the Fund shall be managed by the Fund Administrator under regulations developed by the Executive member and supervision of the Board.

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

Administrative Expenditure

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

(2) The budget developed in sub-section (1) above shall be approved by the Board and submitted to the Executive Member for approval.

(3) The Executive Member shall develop regulations for the sitting allowances of the Board, County Planning Committee and the Ward Planning Committees.

Accounts of the Board

24. (1) The Fund Administrator shall keep proper books of account of the funds of the Board and prepare quarterly financial reports.

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

PART IV—DISBURSEMENT OF FUNDS

Allocation of fund to the Wards

25. (1) The Fund Administrator shall develop, publish and circulate information on the disbursements of funds available to each Ward which shall be approved by the board.

(2) Disbursement of funds shall be based on cash flow projections submitted by implementers of the activities financed by the Fund and approved by the Board.

(3) The Fund Administrator shall be guided by the Climate Fund Sharing Criteria detailed in the second schedule to this Act.

Eligibility Criteria

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

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

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

Community Consultation Forums

27. (1) Each Ward Planning Committee shall convene community consultation forums in at least three different locations in the Ward before the Financial Year starts.

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

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

(3) The Ward Planning Committee Secretary shall prepare a report on the community consultation forums under this part, and submit it to the County Planning Committee.

Development of Project Proposals

28. (1) The Ward Planning Committee shall develop project proposals from the project priorities identified in section 26 (2) above, and include any necessary technical details, including the procurement plan for each project.

(2) The Ward Planning Committee shall submit the list of the project proposals to the County Planning Committee for approval.

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

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

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

Disbursement of funds for projects

29. (1) The Ward Planning Committee Secretary shall submit a list of approved and ranked climate change projects to the Fund Administrator, including proposed procurement plans for each project.

(2) Only projects submitted and approved by the County Planning Committee may be funded.

(3) Upon approval by the Board, the Fund Administrator shall release moneys for the approved projects upon receiving the procurement plans together with cash flow projections.

(4) The executive member may develop regulations for the better administration of this part.

Procurement

30. (1) Based on the Procurement Regulations the County Procurement Director shall facilitate the establishment of appropriate procurement processes for each Ward Planning Committee in consultation with the Executive Member.

(2) The Ward Planning Committee shall adhere to the relevant procurement procedures under the Public Procurement and Asset Disposal Act 2015.

(3) The County Procurement Director shall facilitate development of capacity building for the procurement for the Ward Planning Committee.

Complaints mechanism

31. (1) Community members who are aggrieved by any decision of the Ward Planning Committee may submit the complaints to the board.

(2) The board shall review within a period of six weeks and recommend arbitration where applicable but before a final decision concerning the said activity/initiative is made.

PART V—MISCELLANEOUS

Regulations

32. The Executive Member may make regulations for all matters necessary for the proper administration of this Act including issues on—

- (a) sitting allowances for the Steering Committee, County Planning Committee, the Boards and the Ward Planning Committees;
- (b) the banking arrangements for the Fund; and
- (c) the disbursement of funds to approved projects.

Protection from liability

33. Nothing done by a person exercising authority or power under this Act shall, if the matter or thing was done or omitted in good faith for the purpose of executing this Act or any rule, regulation or order made under this Act, subject such a person in his personal capacity to any action, suit, claim or demand whatsoever.

SCHEDULES

FIRST SCHEDULE

CONDUCT OF THE AFFAIRS OF THE BOARD (Section 8)

Meetings

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

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

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

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

(5) The quorum for the meetings of the board shall be two thirds of the membership

Committees

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

(2) The Board shall appoint the chairperson for each committee established under subparagraph (1) from amongst its members.

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

Declaration of Interest

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

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

(3) A member of the Board who contravenes subparagraph (1) shall cease to be a member of the Board upon direction of the county Executive Members.

(4) The Executive Member shall make arrangements for the appropriate departmental representation with regard to subsection (4) above.

Common Seal

4. (1) The common seal of the Board shall be kept in such custody as the Board may direct and shall not be used except on the order of the Board.

(2) The affixing of the common seal of the Board shall be authenticated by the signature of the Chairperson, the Fund Administrator and one member nominated by the Board; and

(3) Any document not required by law to be made under seal and all decisions of the Board may be authenticated by the signatures of the Chairperson, the Fund Administrator and that member nominated by the Board.

(4) The common seal of the Board when affixed to a document and duly authenticated shall be judicially and officially noticed and unless and until the contrary is proved, any necessary order or authorization by the Board under this section shall be presumed to have been duly given.

Contracts and Instruments

5. Any contractual instrument which, if entered into or executed by a person not being a body corporate, would not require to be under seal may be entered into or executed on behalf of the Board by any person generally or specially authorized by the Board for that purpose.

SECOND SCHEDULE

SHARING OF FUNDS

Fund sharing criteria

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

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

Funds Allocation Criteria

2. Allocation of funds to various projects may be done by the Board considering the following agreed criteria

- (a) Relevance: The intervention—
 - (i) will benefit many people including the most vulnerable groups with clear evidence of gender considerations;
 - (ii) supports the economy, livelihoods or important services on which many people depend, and has been identified, prioritized and included in ward, sub-county, county and

cross-county plan or strategy for public good projects and promotes low carbon climate resilient growth and adaptive livelihoods;

- (iii) proof that it is relevant to building resilience to and mitigating climate change and has been identified and prioritized through community participation, based on identifiable vulnerabilities, as captured in risk assessment, vulnerability mapping and greenhouse gas emission reports available for the county;
- (b) Programme/Project description and risk analysis: The target programme/project, is accompanied by detailed situation analysis with clear problem statement to facilitate clarity on level and urgency of vulnerability, and risks arising from delayed **intervention** e.g. impact on community livelihoods, environment, economy, etc;
- (c) Gender and community cohesion considerations: The Programme or project—
 - (i) demonstrates evidence of expected improvement on the socio-economic status and resilience to the most vulnerable groups and incorporates gender considerations;
 - (ii) encourages harmony; build relations and understanding among the beneficiaries;
- (d) Intervention Benefits—
 - (i) Contributes to adaptation or mitigation and improving community resilience and other community benefits including poverty reduction;
 - (ii) supports livelihoods through income generation, and improved livelihoods;
- (e) Non duplication of funding: Avoids duplication, where similar projects have been undertaken or provide complementarily and value addition to other projects and has linkages with the existing projects with evidence of coordination;
- (f) Learning and knowledge management—
 - (i) provide platforms for effective stakeholder engagement and demonstrates sensitivity to diverse cultures and religions;
 - (ii) provides opportunity for capacity building through training, awareness creation and sensitization, and capture, document

and disseminate information and lessons learnt on climate change and its impacts;

- (g) Sustainability: Proof that the project is sustainable, beyond implementation with adequate arrangements to protect assets created after project completion and contributes to long-term beneficial impacts to the community;
- (h) Innovative strategies: Proof that the project has innovativeness, demonstrates use of indigenous knowledge (IK), innovations and technology;
- (i) Efficiency and effectiveness/fiduciary management:

Programme or project is cost-effective and gives value for money.

- (i) administrative costs of the project to be incurred at the County and Ward level (usually estimated but not to exceed 5% of total project cost);
- (ii) contingency costs (estimated administrative costs not to exceed 5%- 10% of the total project cost) or as may be provide in PFM Act Regulations;
- (iii) have clear accountability and reporting procedures;
- (j) implementation arrangements: have a clear budgeted monitoring and evaluation (M&E) plan with indicators and show organizational structure.

The Board to finance only climate change projects and activities that are included in or aligned to the CIDP.

- (i) approved programme/project in subsequent financial period and no money may be used for unapproved project or activity.

THIRD SCHEDULE

PROCUREMENT MATRIX

Approach to Seeking Quotation	Minimum Number	Cost of Goods and services (Kenya Shillings)
Direct Purchase (single sourcing).	1	As specified in the Public Procurement and Disposal Act and its Regulations.
Targeted invitation to already Known or new suppliers, not widely circulated.	2	As specified in the Public Procurement and Disposal Act, 2005 and its Regulations.
Open Tender widely Circulated.	3	As specified in the Public Procurement and Disposal Act, 2005 and its Regulations.

FOURTH SCHEDULE

FORMS

FORM A: SUMMARY SHEET FOR PROJECT IMPLEMENTATION (ON-GOING PROJECTS)

Financial Year:

Ward Name:

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

Reasons for Variances

.....

.....

FORM B: PROJECT FUND RE-ALLOCATION REPORT

Ward Name Financial Year

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

Reasons for Re-Allocation

.....

Signature Date

Name Position

FORM C: DETAILS OF PROPOSED PROJECTS

SUMMARY OF PROPOSED PROJECT

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

FORM D: PROJECT EVALUATION FORM

Financial Year.....(Cost in KSh. unless otherwise advised)

Ward Name

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

MEMORANDUM OF OBJECTS AND REASONS

The Bill seeks to give effect to provide for establishment and management of Climate Change Fund in the County.

It seeks to provide for financing of priority climate change initiatives; Initiating and co-ordinating of climate change adaptation and mitigation activities at the community level; Facilitating incorporation of Climate Finance in the county planning and budgetary framework; Sourcing and receiving grants and loans from international sources, the national and county governments and other organizations; Co-ordinating support from National government climate change policy and legislative framework and co-ordinating collection and dissemination of climate change information to the public to create awareness and preparedness. The bill shall occasion additional expenditure to the county. The expenditure will be appropriated by the county assembly.

STATEMENT ON CONSTITUTIONALITY AND CONFLICT OF LAWS

The Bill does not contravene any of the provisions of the Constitution and is not ultra vires to any of the provisions of any national law relating to environment. In case of any conflict between the Bill and any National laws, the provisions of Article 191 of the Constitution shall take effect.

Dated 19th June, 2016.

PETER LOSU
*Chairperson, water, Irrigation,
Environment and Natural resources committee.*