

*The Isiolo County Climate Change Fund Act, 2018*

**THE ISIOLO COUNTY CLIMATE CHANGE FUND ACT, 2018**

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**THE ISIOLO COUNTY CLIMATE CHANGE FUND ACT, 2018**

**An Act of the County Assembly of Isiolo for the establishment of a Climate Change Fund to finance, facilitate and coordinate financing Climate Change Adaption and Mitigation projects; and for connected purposes**

**ENACTED** by the County Assembly of Isiolo as follows: -

**PART I –PRELIMINARY**

**Short title and commencement**

1. This Act may be cited as the Isiolo County Climate Change Fund Act 2018 and shall come into operation on the date of publication in the *Gazette*.

**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;

**‘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 County Assembly of Isiolo County;

**‘County government’** means the Isiolo County Government;

**‘County planning committee’** means the Isiolo county climate change fund planning committee established under section 7 of this Act;

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**‘county planning framework’** means a county planning framework established by the County Government of Isiolo 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 Climate Change 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;

**‘national government agencies’** means any National Government institution that deals with climate change related activities which has 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;

**‘fund participating institutions’** means national, regional and international institutions that have made contributions to the Fund or have climate change related activities in the county;

**‘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 17 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 13 of this Act;

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### **Objects and purposes of the Act**

3. The object of this Act is to create a fund in the County for the purpose of facilitating establishment of a mechanism to finance climate change activities, programs and projects in the County through:-
  - (a) initiating and coordinating financing of Climate Change Adaptation and Mitigation activities at the community level in the County;
  - (b) enhancing Climate Finance mechanisms in the County;
  - (c) facilitating community initiated Climate Change Adaptation and Mitigation activities in the County;
  - (d) facilitating planning for Climate Change Adaptation and Mitigation in the County planning and budgetary framework;
  - (e) seeking and receiving grants from national and international entities, the National Government, the County Government and other relevant organizations;
  - (f) providing support from the national Climate Change Policy and legislative framework; and
  - (g) coordinating collection and dissemination of climate change information to the public to create awareness and preparedness.

## **PART II –ESTABLISHMENT AND ADMINISTRATION OF THE FUND**

### **Establishment of the Fund**

4. (1) There shall be established fund to be known as the Isiolo Climate Change Fund which shall be disbursed in accordance with this Act;
- (2) The Fund shall be used in climate change projects, programs and activities, including those required under The Climate Act, provided for in the Climate Finance Framework established under this Act.

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

### **Sources of funds**

5. The Fund shall be financed through:
  - (a) moneys appropriated by the County Assembly not less than two percent, or such other limit as the Assembly may determine, of the development expenditure in a financial year;
  - (b) moneys from the National Government;
  - (c) grants and loans from the National Climate Fund;
  - (d) climate finance from international entities;
  - (e) moneys received from Public Benefit Organizations;
  - (f) fees and charges from climate finance activities; and
  - (g) other grants and donations.

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### **Climate Finance Framework**

6. (1) The Executive Member, with approval of the Steering Committee, 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 Steering Committee.

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

- (a) The status of Climate Change Awareness in the County;
- (b) Context specific items in the National Climate Change Act and Policy that are applicable to the County;
- (c) The impact of climate change in the County;
- (d) Human activities in the County that may facilitate Climate Change;
- (e) Climate Change Adaptation and Mitigation activities and projects
- (f) Projects that are relevant in the County with regard to Climate Change Adaptation and Mitigation and the anticipated impact; and
- (g) any other relevant issues.

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

### **Establishment of the County Planning Committee**

7 (1) There is established the Isiolo County Climate Change Fund Planning Committee and which shall comprise the following persons: -

- (a) one person, not being a public officer, appointed by the Executive Member, who shall be the chairperson
- (b) the Chief Officer in charge of Energy, Environment, Natural resources and Climate Change
- (c) the Chief Officer in charge of water and irrigation
- (d) the Chief Officer in charge of Finance and Economic Planning
- (e) the Chief Officer in charge of Agriculture
- (f) the Chief Officer in charge of Public Health
- (g) the County Drought Coordinator
- (h) the County Director of the National Environment Management Authority in the County
- (i) the County Director of the Meteorological Department in the County;
- (j) one person from a Fund Participating Institutions;
- (k) one person representing of Public Benefit Organizations operating in the County;
- (l) a representative of Ward Planning Committees nominated by all the Ward Planning Committees on rotational basis
- (m) a representative of women;
- (n) a representative of youth;
- (o) a representative of persons with disability and

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(p) a representative of faith based organization.

(2) A person shall be qualified for appointment as chairperson or a member appointed under subsection (1) if the person-

- (a) is a resident of Isiolo County;
- (b) holds at least a Masters 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 County Planning Committee**

8) The functions of the County Planning Committee shall be:-

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

### **Conduct of the affairs of the County Planning Committee**

9. The conduct of the affairs of the County Planning Committee shall be as set out in the schedules

### **Fund Administrator**

10. (1) There shall be Fund Administrator for the Fund who shall be the secretary to the County Planning Committee.

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(2) The Fund Administrator shall be appointed by the executive member for Finance in consultation with Executive member for Climate Change affairs through a competitive selection process.

(3) To qualify for appointment as a Fund Administrator, a person must-

- (a) possess a degree in economics, business, finance or accounting from a recognized university;
- (b) have management experience for a period of not less than seven years.
- (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

(4) The Fund Administrator shall hold office for a period of three years, on such terms and conditions as the County Planning Committee may decide, and shall be eligible for second and final term of three years.

#### **Functions of the Fund Administrator**

**11.** The functions of the Fund Administrator shall include 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 County Planning Committee at the ward level;
- d. implement the decisions of the Committee Planning Committee;
- e. publish the eligibility criteria for selection of projects developed by the County Planning Committee;
- f. organize and coordinate the disbursement of moneys allocated to projects approved by the County Planning Committee
- g. coordinate capacity building for the Ward Planning Committees;
- h. coordinate the technical capacity requirements at the Ward Planning Committees in executing their roles
- i. keep custody of the accounts of the Fund;
- j. coordinate the implementation of the monitoring and evaluation framework established by the County Planning Committee;
- k. develop a complaints mechanism;
- l. facilitate the functions of the institutions created under this Act where appropriate;
- m. prepare a budget for the administrative costs per quarter for each institution under this Act; and
- n. any other duty assigned by the County Planning Committee.

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### **Removal of the Fund Administrator**

#### **12. 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 County Planning Committee;
- b. be removed from office by the Executive Member on recommendation of the County Planning Committee 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.

### **Ward Planning Committee**

#### **13. (1) There is established Ward Planning Committee in each Ward in Isiolo County**

#### **(2) The Ward Planning Committee shall comprise the following persons:**

- a. Community representatives appointed as follows: -
  - i. one person nominated by youth in the ward
  - ii. one person nominated by women in the ward
  - iii. one person nominated by persons with disability in the ward
- b. one person representing Ward based Public Benefit Organizations/CBOs
- c. one person representing faith based organisations in the ward
- d. the Ward Administrator, shall be an ex official of the committee to provide advisory services, establish interlinkages and provide necessary coordination
- e. four representatives nominated by communities representing various locations in the ward
- f. a Secretary elected by the ward planning committee members for the respective Ward.
- g. one person, elected by the Ward Planning Committee members 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;
  - v. be a member of a Ward Planning Committee
- h. one person, elected by the Ward Planning Committee members who shall be treasurer 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.

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- iv. proven track record of community services engagement in ward development initiatives;
- v. be a member of a Ward Planning Committee
- i. The Ward Planning Committee shall not have more than 11 members

### **Functions of the Ward Planning Committee**

**14.** (1) The roles of the Ward Planning Committee shall be to:

- a. consult with the community on the relevant climate finance activities;
- b. facilitate public participation at the ward level;
- c. receive project proposals from the community at the ward level;
- d. develop technical components of project proposals;
- e. procure goods and services for projects, including development of procurement plans for each project at ward level;
- f. monitor implementation of projects at the ward level;
- g. prepare the budget at the ward level;
- h. preparing the ward level project reports; and
- i. any other duty assigned by the County Planning Committee.

(2) The Ward Planning Committee shall have access to other County departments through the Fund Administrator for technical assistance as they may require.

### **Conduct of the affairs of the Ward Planning Committee**

**15.** (1) The Ward Planning Committee shall meet at least once every quarter in 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 a majority vote of the members present at a meeting.

### **Secretariat of the Fund**

**16.** The Fund Administrator with the approval of the Executive Member may recruit staff on a need basis subject to the limitation on the administrative costs of the Fund

## **PART III –OVERSIGHT**

### **Steering Committee**

**17.** (1) There is established Isiolo County Climate Change Fund Steering Committee which shall be composed of:-

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- a. the Governor of Isiolo County, or in his absence the Deputy Governor of Isiolo County as the Chairperson;
- b. the County Executive Committee Member in charge of Climate Change as the Secretary;
- c. the County Executive Committee Member in charge of Finance;
- d. the County Executive Committee Member in charge of public health;
- e. the County Executive Committee Member in charge of agriculture, livestock and fisheries;
- f. one person to represent Fund Participating Institutions ;
- g. one person to represent Public Benefit Organizations involved in climate change activities in the County
- h. one person, resident of the County, appointed by the Executive Member to represent the business community

(2) The members of the Steering Committee shall elect one person, not being a public officer, to be the deputy chairperson

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

**18.** The functions of the County Climate Fund Steering Committee shall include to:-

- a. oversee implementation of county climate change activities financed by the Fund
- b. support the Executive Member climate change to mobilize resources for Climate Change financing consistent with the approved county Framework;
- c. develop necessary linkages for the Fund with the other county climate change activities,
- d. coordinate with other relevant stakeholders monitor compliance of the Fund administration to ensure compliance with the public finance management principles under article 201 of the Constitution of Kenya, the Procurement and Asset Disposals Act and the Public Finance Management Act;
- e. ensure that projects financed by the Fund are approved by the County Planning Committee in conformity with the agreed criteria and the County Climate Change Finance Framework;
- f. manage the administrative costs of the fund including the costs of the meetings and sitting of the Steering Committee and the Ward Planning Committee;
- g. oversee the execution of the County Climate Finance Budget;
- h. mobilize funding for projects, programs and activities listed in the Climate Finance Framework;
- i. facilitate coordination of Climate Finance projects and programs with other programs in the County;
- j. prepare Climate Change Awareness and advocacy strategy for the County based on Fund activities
- k. regularly review operations of the Fund to ensure consistency with the County Climate Change Finance Framework; and
- l. any other matter relevant to Climate Change Finance in the County.

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### **Conduct of affairs of the Steering Committee**

19. (1) The Fund Steering Committee shall meet at least once in a quarter during the financial year.
- (2) The quorum for the meetings of the Steering Committee shall be at least one half of the membership.
- (3) A resolution of the Steering Committee shall require a majority vote of the membership present at a meeting.
- (4) In absence of the Chairperson, The Vice-chair shall chair the meeting .

### **PART IV – DISBURSEMENT OF FUNDS**

#### **Allocation of funds to the Wards**

20. (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 Steering Committee. Disbursement of funds shall be based on cashflow projections submitted by implementers of the activities financed by the Fund and approved by the County Planning Committee.
- (2) The Fund Administrator shall be guided by the Climate Fund Sharing Criteria detailed in the schedule to this Act

#### **Eligibility Criteria**

21. (1) The County Planning Committee shall develop and publish an eligibility criteria for Climate Finance projects that will be eligible for funding under this Act.
- (2) The eligibility criteria in subsection (1) above shall be based on the following parameters:-
  - a. must be a project that promotes climate resilience in the locality through Climate Mitigation or Adaptation;
  - b. must be a project that supports economic growth through Climate Adaptation;
  - c. must benefit a large number of people including vulnerable groups and have clear considerations for gender representation;
  - d. must contain detailed situation analysis with clear problem statement to facilitate clarity on level and urgency of vulnerability, and risks arising from delayed intervention
  - e. must have a properly conducted environmental impact assessment;
  - f. must have a clearly defined monitoring and evaluation plan with measurable indicators;
  - g. must have a sustainability plan;
  - h. must provide a platform for stakeholder engagement;
  - i. must enhance use of in-built skills and technology transfer, and
  - j. any other consideration that may be deemed relevant

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### **Community Consultation Forums**

22. (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 be:-
- a. Climate Change Awareness;
  - b. the nature of projects that are eligible for Climate Finance through the Fund; and
  - c. identify priority 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**

23. (1) The Ward Planning Committee shall develop project proposals from the project priorities identified in section 22 (2) above, and include any necessary technical details, including the procurement plan for each project.
- (2) The Ward Planning Committee shall submit the list project proposals indicating the priority ranking 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.

### **Validation of Project Proposals**

24. (1) The County Planning Committee shall undertake a project validation process within four weeks after receiving the project proposals from the Ward Planning Committee and either —
- 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.
- (2) The County Planning Committee may, in order to facilitate the approval of projects, constitute a Project Evaluation Team in every Ward comprising of—
- a) county staff seconded by relevant County Departments;

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- b) consultants and technical personnel from participating institutions; and
- c) consultants hired by the County Planning Committee

### **Disbursement of funds for projects**

- 25.** (1) The Fund Administrator shall publish a list of approved and ranked climate change projects, including proposed procurement plans for each project. Only projects submitted and approved by the County Planning Committee shall be published.
- (2) On approval by the County Planning Committee, the Fund Administrator shall release moneys for the approved projects upon receiving the procurement plans together with cashflow projections from the Ward Planning Committee.
- (3) The Executive Member shall develop regulations for better administration of this part.

### **Procurement**

- 26.** (1) Based on the National and County Procurement Regulations the Fund Administrator shall facilitate the establishment of appropriate procurement processes for each Ward Planning Committee.
- (2) The Fund Administrator shall ensure that all Ward Planning Committees adhere to the relevant procurement procedures under the Public Procurement and Asset Disposal Act.
- (3) The Fund Administrator shall facilitate development of capacity building on procurement for the Ward Planning Committee.

### **Complaints mechanism**

- 27.** (1) Community members who are aggrieved by the decisions of the Ward Planning Committee shall submit the complaints to the Fund Administrator.
- (2) The Fund Administrator shall forward the complaints to the County Planning Committee who shall make a final determination within a period of six weeks and submit a report to the Steering Committee with copy to the Fund Administrator.

## **PART V –FINANCIAL PROVISIONS**

### **Bank Account of the Fund**

- 28.** (1) The Executive Member of finance shall issue guidelines on the banking arrangements for the Fund under the provisions of the Public Finance Management Act.
- (2) The bank account for the Fund shall be managed by the Fund Administrator under regulations developed by the Executive member finance in consultation with the Steering Committee.
- (3) The bank account for the Fund shall be subject to the national legislation for accounting, reporting and auditing.

### **Administrative expenditure**

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

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- (2) The budget developed in subsection (1) above shall be reviewed by the county planning committee who submit for approval by the Executive Member.
- (3) The Executive Member shall develop regulations for the sitting allowances of the Steering Committee, County Planning Committee and the Ward Planning Committees

#### **Accounts of the Steering Committee**

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

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

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

#### **PART VI –MISCELLANEOUS**

##### **Regulations**

- (b) The Executive Member shall 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 and the Ward Planning Committees;
  - (b) the banking arrangements for the Fund; and
  - (c) the disbursement of funds to approved projects.

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

**32.** 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.

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**SCHEDULES**

**FIRST SCHEDULE**

**CONDUCT OF THE AFFAIRS OF THE COUNTY PLANNING COMMITTEE**

**Meetings**

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

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

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

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

(5) The quorum for the meetings of the County Planning Committee shall be two thirds of the membership

**Committees**

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

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

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

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

**Declaration of Interest**

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

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- (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 County Planning Committee who contravenes subparagraph (1) shall cease to be a member of the County Planning Committee upon direction of the Executive Member.
- (4) The Executive Member shall make arrangements for the appropriate departmental representation with regard to subsection (3) above.

#### **Common Seal**

4. (1) The common seal of the County Planning Committee shall be kept in such custody as the County Planning Committee may direct and shall not be used except on the order of the County Planning Committee.
- (2) The affixing of the common seal of the County Planning Committee shall be authenticated by the signature of the Chairperson, the Fund Administrator and one member nominated by the County Planning Committee and any document not required by law to be made under seal and all decisions of the County Planning Committee may be authenticated by the signatures of the Chairperson, the Fund Administrator and that member nominated by the County Planning Committee.

#### **Contracts and Instruments**

5. Any contract or 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 County Planning Committee by any person generally or specially authorized by the County Planning Committee for that purpose

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**SECOND SCHEDULE**

**FUNDS SHARING AND ALLOCATION CRITERIA**

**Funds sharing Criteria**

**1. The funds available for the Fund will be shared according to the following criteria**

**(a) three percent of the moneys available in the Fund shall be allocated for administrative costs as follows: -**

- i. Forty percent of the administrative costs shall be assigned to the County Planning Committee; and
- ii. Sixty percent of the administrative costs shall be assigned to the administrative costs of the Ward Planning Committee;

**(b) Twenty seven 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 and approved by the County Planning Committee in section 8 above; and**

**(d) moneys not spent at the end of any financial year shall be retained in the Fund for uses that are allowable under this Act.**

**Funds Allocation Criteria**

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

**(a) Relevance:** The intervention; -

- i. will benefit many people including the most vulnerable groups with clear evidence of gender considerations;
- ii. supports the economy, livelihoods or important services on which many people depend, and has been identified, prioritized and included in ward, sub-county, county and cross-county plan or strategy for public good projects and promotes climate resilient growth and adaptive livelihoods;
- iii. proof that it is relevant to building resilience to climate change and has been identified and prioritized through community participation, based on identifiable vulnerabilities, as captured in risk assessment and vulnerability mapping reports available for the county.

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- (b) Programme/ Project description and risk analysis:** The target programme/ project, Is accompanied by detailed situation analysis with clear problem statement to facilitate clarity on level and urgency of vulnerability, and risks arising from delayed intervention e.g. impact on community livelihoods, environment, economy, etc.
- (c) Gender and community cohesion considerations:** The Programme or project,
- i. Demonstrates evidence of expected improvement on the socio-economic status and resilience to the most vulnerable groups and incorporates gender considerations.
  - ii. Encourages harmony; build relations and understanding among the beneficiaries.
- (d) Intervention Benefits:**
- i. Contributes to adaptation or mitigation and improving community resilience and other community benefits including poverty reduction
  - ii. Supports livelihoods through income generation, and improved livelihoods.
- (e) Non duplication of funding:** Avoids duplication, where similar projects have been undertaken or provide complementarily and value addition to other projects and has linkages with the existing projects with evidence of coordination.
- (f) Learning and knowledge management:**
- i. provide platforms for effective stakeholder engagement and demonstrates sensitivity to diverse cultures and religions;
  - ii. provides opportunity for capacity building through training, awareness creation and sensitization, and capture, document and disseminate information and lessons learnt on climate change and its impacts.
- (g) Sustainability:** Proof that the project is sustainable, beyond implementation with adequate arrangements to protect assets created after project completion and contributes to long-term beneficial impacts to the community.
- (h) Innovative strategies:** Proof that the project has innovativeness, demonstrates use of indigenous knowledge (IK), innovations and technology.
- (i) Efficiency and effectiveness/fiduciary management:**
- i. Programme or project is cost-effective and gives value for money.
  - ii. **Administrative costs** of the project to be incurred at the County and Ward level (usually estimated but not to exceed 5% of total project cost)
  - iii. **Contingency costs** (estimated administrative costs not to exceed 5%- 10% of the total project cost) or as may be provide in Public Finance Management Act Regulations.
  - iv. 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 County Planning Committee to finance only climate change projects and activities that are included in the CIDP
- (k)** Any balances of unspent money will be carried forward to finance the approved programme/ project in subsequent financial period and no money may be used for unapproved projects or activities.

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**THIRD 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 (Kshs)	Unspent to be Re-Allocated

Reasons for re-allocation.....

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

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

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**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.....**

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