

SPECIAL ISSUE

Kenya Gazette Supplement No. 13

2nd November, 2023

(Kisumu County Legislative Supplement No. 2)

LEGAL NOTICE NO. 2

THE KISUMU COUNTY CLIMATE CHANGE ACT

(No. 7 of 2020)

THE PUBLIC FINANCE MANAGEMENT ACT, 2012

(No. 18 of 2012)

THE KISUMU COUNTY CLIMATE CHANGE FUND REGULATIONS, 2023

ARRANGEMENT OF REGULATIONS

Regulation

PART I - PRELIMINARY

- 1—Citation
- 2—Interpretation
- 3—Objects
- 4—Principles

PART II – COMPOSITION OF THE FUND

- 5—Capital of the Fund
- 6—Sources of the Fund
- 7—Object and purpose of the Fund
- 8—Mobilization of resources for the Fund
- 9—Expenditure of the Fund
- 10—Reallocation of funds
- 11—Winding up of the Fund

PART III – MANAGEMENT OF THE FUND

- 12—Oversight
- 13—Fund Administrator
- 14—Functions of the Fund Administrator
- 15—Bank account of the Fund
- 16—Financial reporting procedures
- 17—Allowances

PART IV – DISBURSEMENT OF MONIES FROM THE FUND

- 18—Planning and budgeting

- 19— Allocation of funds to wards
- 20— Funds distribution
- 21— Community consultations to identify priority projects
- 22— Development of project proposals
- 23— Criteria for approval of projects
- 24— Decision of Planning Committee on proposals
- 25— Disbursement of funds for approved projects
- 26— Bank accounts for project funds
- 27— Complaints mechanism
- 28— Procurement
- 29— Payment of suppliers and service providers
- 30— Projects implementation progress report
- 31— Maintenance of records
- 32— Financial reporting
- 33— Annual report of the Fund
- 34— Audit

PART V – MISCELLANEOUS PROVISIONS

- 35— Guidelines
- 36— Amendments

THE KISUMU COUNTY CLIMATE CHANGE ACT

(No. 7 of 2020)

THE PUBLIC FINANCE MANAGEMENT ACT, 2012

(No. 18 of 2012)

IN EXERCISE of powers conferred by Section 5 of the Kisumu County Climate Change Act and S.116 of the Public Finance Management Act, 2012, the Kisumu County Executive Committee Member for the time being in charge of the County Treasury makes the following Regulations—

THE KISUMU COUNTY CLIMATE CHANGE FUND REGULATIONS, 2023

PART I – PRELIMINARY

Citation

1. These Regulations may be cited as the Kisumu County Climate Change Fund Regulations, 2023.

Interpretation

2. In these Regulations, unless the context otherwise requires—

“Act” means the Kisumu County Climate Change Act 2020;

“county treasury” has the meaning assigned to it by section 2 of the Public Finance Management Act, 2012;

“executive committee member” means the County Executive Committee Member responsible for climate change matters;

“fund” means the Kisumu County Climate Change Fund established under section 55 of the Act;

“Fund administrator” means supervisor and administrator of the fund;

“fund participating institutions” means national, regional and international institutions that have contributed to the Fund or are implementing climate change related activities in the county;

“planning committee” means the County Climate Change Planning Committee established under section 14 of the Act;

“council” means the Kisumu County Climate Change Council established under section 7 of the Act;

“ward planning committee” means the Ward Climate Change Planning Committee established under section 20 of the Act; and

“village unit” means village units as established under part VI of the County Governments Act 2012.

Objects

3. The object of these Regulations is to define the procedures for management, operations and winding up of the Fund, and for planning of climate change response interventions to be funded by the Fund.

Principles

4. (1) The implementation of these Regulations and the management of the Fund shall be guided by the values and principles set out in section 4 of the Act.

(2) Without prejudice to the provisions of subsection (1), the Fund shall be managed and disbursements made with due regard to the following principles—

- (a) giving effect to priorities set by communities following a community-driven participatory planning process;
- (b) strengthening the role of communities, community structures and indigenous knowledge systems in the planning of climate change response interventions; and
- (c) investing in public goods and structures to strengthen adaptation to climate change.

PART II – COMPOSITION OF THE FUND*Capital of the Fund*

5. The initial capital of the Fund shall be 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.

Sources of the Fund

6. The Fund shall consist of—

- (a) monies appropriated by the County Assembly annually, not being less than two percent of the county development budget;
- (b) monies received by the county from the national government pursuant to the Public Finance Management Act;
- (c) Climate finance received by the county from the national Climate Change Fund;
- (d) international climate finance received by the county directly from the National Designated Authority, National Implementing Authority or any other agency;
- (e) donations, endowments, bequests, grants and gifts from local or foreign individuals, public and private entities;
- (f) charges, fees, levies or fines accruing to the county government in connection with activities that adversely impact on climate change in the county; and
- (g) Interest and any other monies that may lawfully accrue to the Fund in any form.

Object and purpose of the Fund

7. (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.

(2) Specifically, the fund shall be used to finance—

- (a) climate resilience assessments;

- (b) implementation of climate change response projects proposed by Ward Planning Committees and communities and approved by the Planning Committee;
- (c) priority county level climate change response projects approved by the Planning Committee;
- (d) climate change research and knowledge management in the county;
- (e) public education, sensitization and awareness creation on climate change and its impacts;
- (f) capacity building for stakeholders to effectively respond to climate change;
- (g) monitoring, evaluation, reporting and learning on climate change response in the county; and
- (h) any other projects, activities and interventions recommended by the Planning Committee and approved by the Climate Change Council.

Mobilization of resources for the Fund

8. (1) Without prejudice to the provisions of regulation 6, Council shall mobilize resources for the Fund from—

- (a) communities, development partners, and the private sector; and
- (b) international climate finance frameworks, including but not limited to the Green Climate Fund, Adaptation Fund and the Global Environment Facility;

(2) The Climate Change Council shall coordinate capacity development for key actors in the county in development of bankable proposals on climate change adaptation and mitigation for accessing resources from international climate finance frameworks.

(3) Without prejudice to sub-regulation (2), the Council shall coordinate the development of financial management systems for the Fund that conform to the standards and requirements of international climate finance frameworks and the Public Finance Management Act, 2012.

Expenditure of the Fund

9. (1) There shall be paid out of the Fund payments in respect of expenses incurred pursuant to the objects and purposes of the Fund.

(2) Expenditure in respect of administrative costs shall not exceed three per cent of the total payments out of the Fund in any financial year.

(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.

Reallocation of funds

10. (1) The Fund Administrator may, in consultation with the Council, the Planning Committee and the relevant Ward Planning Committee, reallocate funds allocated to a project which for reasons communicated to the Council cannot be absorbed or utilized and will not subsequently be needed for the particular project.

(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 Executive Committee Member for the time being in charge of the County Treasury.

(3) A report of all budget reallocations in a ward shall be filed in Form B giving details of the project, its location, funds reallocated, amount originally allocated, amount unutilized and proposed reallocations, with reasons.

Winding up of the Fund

11. (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 Council, 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.

PART III – MANAGEMENT OF THE FUND

Fund Management by Council

12. The Council shall provide leadership in management of the Fund and specifically—

- (a) mobilize funds and resources for climate change response projects approved by the Planning Committee
- (b) publish estimates of revenue and expenditure of the Fund for each financial year that has been approved by the County Assembly;
- (c) publish annual budget, work plan, procurement plans and cash plans for the Fund that has been approved by the County Assembly;
- (d) allocate funding for cross-ward and cross-county climate change response projects
- (e) publish the financial statements of the Fund prepared by the Fund Administrator and approved by the County Assembly before they are presented for audit;
- (f) publish the County Climate Finance Framework and the strategic plan of the Fund that has been approved by the County Assembly;
- (g) set out procedures for application, disbursement, recovery and repayments of loans;
- (h) approve disbursement of loans and grants;
- (i) deliberate, approve and provide directions to the secretariat as appropriate on periodic financial and operational reports;
- (j) approve performance reports of the Fund and submit to the Executive Committee member for Finance;and
- (k) design procedures and mechanisms for effective and transparent administration of the Fund, including tracking and accounting for climate change finance and monitoring, evaluation, reporting and learning

Fund Administrator

13. There shall be a Fund Administrator who shall appointed by the County Executive Committee Member responsible for County Treasury.

Functions of the Fund Administrator

14. The Fund Administrator shall supervise administration and day-to-day operations of the Fund, and specifically—

- (a) consult with the Accounting officer, Council and the Executive Committee Member of Treasury on all matters related to the administration of the Fund;
- (b) ensure that disbursement of monies out of the Fund is done in a timely and efficient manner and in accordance with the provisions of the Act, these Regulations and the Public Finance Management Act, 2012;
- (c) cause to be kept proper books of account and records on the operations of the Fund;
- (d) prepare, sign and submit a statement of account in respect of each financial year and within three months after the end thereof to the Council for consideration and approval
- (e) prepare periodic reports on the financial and non-financial performance of the Fund and present the same to the Council for consideration and approval
- (f) ensure compliance with decisions and recommendations of the Council and submit periodic reports on such compliance;
- (g) be the custodian of all assets, equipment and properties of the Fund;and
- (h) perform such other functions as may be assigned by the Council from time to time

Bank account of the Fund

15. (1) The Executive Committee Member for County Treasury shall issue guidelines on banking arrangements of the Fund under the provisions of the Public Finance Management Act, 2012.

(2) The bank account for the Fund shall be managed by the Accounting officer in consultation with the Executive Member for County Treasury

(3) The bank account for the Fund shall be subject to auditing under the provisions of the Public Finance Management Act, 2012

Financial reporting procedures

16. The Fund Administrator shall, in consultation with the Accounting officer and Executive Committee Member for 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—

- (a) promoting regular accurate reporting of all financial transactions on climate change adaptation and mitigation;
- (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;
- (c) ensuring that project implementers and oversight providers have the necessary capacity;
- (d) ensuring that procurement in all Fund projects is competitive, transparent and delivers value for money;

- (e) putting in place effective monitoring and evaluation system for both inputs and outputs; and
- (f) ensuring that Fund financial management is subjected to timely accounting, reporting and auditing by a qualified and independent auditor.

Allowances

17. The Council shall in consultation with the CEC Finance and the Executive Committee Member in charge of the County Treasury fix allowances payable to members of the Council, the Planning Committee and Ward Planning Committees based on the SRC guidelines.

PART IV – DISBURSEMENT OF MONIES FROM THE FUND

Planning and budgeting

18. (1) The Fund Administrator in consultation with the Accounting officer shall, prior to the commencement of each financial year—

- (a) prepare and circulate to the Council, 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;
- (b) provide details of conditional funds, if any, to target recipients; and
- (c) submit a consolidated list of ongoing climate change response projects in the county to the Council, the Planning Committee and the Executive Committee Member County Treasury.

(2) The information provided under sub-regulation (1) shall specify the funds approved by the Council for each ward

(3) The Fund Administrator shall ensure the widest possible circulation through the media and public *baraza* of the information under sub-regulation (1).

Allocation of funds to wards

19. In determining the allocation of funds to wards, the Fund Administrator and Project coordinator shall be guided by the following factors—

- (a) equitable distribution of the Fund across the county having regard to eligibility criteria;
- (b) giving priority to wards that are more prone to climate change related disasters; and
- (c) population distribution across the wards.

Fund distribution

20. Monies available for disbursement from the Fund in any financial year shall be distributed as follows—

- (a) three per cent for administrative costs, further allocated in the following manner—
 - (i) forty per cent for administrative costs of the County Planning Committee; and
 - (ii) sixty per cent for administrative costs of Ward Planning Committees

- (b) twenty seven for county wide programs and projects, further allocated in the following manner—
 - (i) five per cent to Climate Change Awareness Creation activities;
 - (ii) Seventeen per cent to Sub-County development projects/Flagship projects; and
 - (iii) Five per cent to Research, Monitoring and Evaluation.
- (c) seventy percent for ward development projects.

Community consultations to identify priority projects

21. (1) Prior to the commencement of the financial year, the County 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—

- (a) creating public awareness about climate change;
- (b) providing information about the nature of project eligible for funding through the Fund; and
- (c) enabling communities to identify priority climate change response projects

(2) Every Ward Planning Committee shall prepare and submit to the Planning Committee a report on community consultations held under sub-regulation (1).

Development of project proposals

22. (1) The Ward Planning Committee for each ward shall, on the basis of priorities identified in the communities consultations under regulation 21 develop project proposals with procurement plans for each project.

(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

Criteria for approval of projects

23. (1) In reviewing project proposals for funding, the Planning Committee shall have regard to the following factors, among others—

- (a) proper situation analysis, with clear problem statement and clarity on the level and urgency of vulnerability and risk arising from delayed intervention;
- (b) relevance;
- (c) magnitude and possibility of risk occurrence;
- (d) promotion of gender and community cohesion, with due regard to vulnerable groups;
- (e) support to strengthening of livelihoods, including through income generation;
- (f) promotion of resilience in the locality through adaptation and mitigation;
- (g) evidence of properly conducted environmental impact assessment and environment and social safeguards;
- (h) complementarity, value-addition and synergy with existing projects;
- (i) clearly defined monitoring and evaluation plan;

- (j) sustainability;
- (k) innovativeness;
- (l) clearly defined stakeholder engagement plan;
- (m) efficiency and effectiveness of implementation arrangements; and
- (n) cost-effectiveness and value for money.

(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.

(3) Provided further that the criteria shall not be used to prejudice or disadvantage any communities in accessing project funding from the Fund.

Decision of Planning Committee on proposals

24. (1) The County Planning Committee shall review proposals from Ward Planning Committees, and make a decision thereon within 60 days from the date of receipt.

(2) The Planning Committee may constitute a Project Evaluation Team composed of the following persons in every ward for purposes of approving project proposals —

- (a) County technical staff seconded by relevant County Departments;
- (b) consultants and technical staff from fund participating institutions; and
- (c) consultants hired by the Planning Committee; and
- (d) Representatives from the Village ward.

(3) Upon reviewing the project proposals from the Ward Planning Committee, the Planning Committee may —

- (a) approve the project proposals;
- (b) reject the project proposals, giving reasons in writing; and
- (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.

Disbursement of funds for approved projects

25. (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.

(2) The Fund Administrator shall then proceed to release monies to approved projects on quarterly or need basis according to cash flow projections submitted by implementers and approved by the Planning Committee.

Bank accounts for project funds

26. All payments shall be done through the SPA (Special Purpose Account) maintained at Central Bank of Kenya unless otherwise advised.

Complaints mechanism

27. (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.

(2) The Fund Administrator shall forward the complaint to the Planning Committee for determination.

(3) The Planning Committee shall make a determination on the complaint within a period of six weeks and submit a report to the Council with a copy to Fund Administrator, who shall communicate the determination to the complainant in writing.

(4) The determination of the Planning Committee shall be final.

(5) The Planning Committee may develop guidelines for processing of complaints.

Procurement

28. (1) The Fund Administrator shall in consultation with the Executive Committee Member in charge of the County Treasury facilitate establishment of appropriate procurement systems for each Ward Planning Committee consistent with the requirements of the Public Procurement and Asset Disposal Act, 2015.

(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.

(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.

Payment of suppliers and service providers

29. (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.

(2) Payments to suppliers of goods and service providers shall be supported by approved documentation based on contract terms, project progress report, and approval of payment signed by all approved signatories.

(3) Payment shall be in accordance with the Implementation Monitoring Plan and the Investment Schedule.

(4) The Ward Planning Committee shall submit quarterly reports to the Planning Committee and the Council reflecting payments made.

Projects implementation progress reports

30. (1) The Planning Committee and Ward Planning Committees shall submit to the Council regular reports on projects under their supervision.

(2) Ward Planning Committees shall prepare and submit to the Fund Administrator monthly supervision and monitoring 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.

(3) The reports shall be submitted in Form C.

Maintenance of records

31. (1) A designated Accountant shall maintain full and accurate records of expenditures of the Fund, including—

- (a) all receipts in respect of every project and the sum total thereof;
- (b) all approved documents relating to every expenditure; and
- (c) relevant bank statements of project accounts.

(2) The Accountant shall ensure that all Fund documents are secured and preserved for audit and reference purposes.

Financial reporting

32. (1) The Fund Administrator shall prepare and submit quarterly reports to the Council for approval and onward submission to the Executive Committee Member responsible for the County Treasury.

(2) The reports submitted under sub-regulation (1) shall provide details of—

- (a) programmes and projects funded by or in partnership with the Fund;
- (b) disbursements by each of the supporting financing and total amounts received;
- (c) funding status showing monies disbursed for each of the projects by ward and sub-county; and
- (d) a summary of ongoing climate change activities in the county.

(3) At the end of each financial year, the Fund Administrator shall prepare annual performance report, which on approval by the Council shall be submitted to Executive Committee Member responsible for the County Treasury for onward transmission to the County Assembly.

Annual report of the Fund

33. (1) The Fund Administrator in consultation with the Chief Officer Environment, Climate Change and Natural Resources shall prepare the annual report on the Fund not later than three months after the end of each financial year.

(2) The annual report shall include, *inter alia*—

- (a) the audited financial report of the Fund;
- (b) description of the activities of the Fund;
- (c) such other statistical information as the Fund may consider appropriate relating to the Fund's functions;
- (d) the impact of the exercise of any of its mandate or function;
- (e) any impediments to the achievement of the objects and functions of the Fund;
- (f) such other information as the Executive Committee Member responsible for the Treasury may direct; and
- (g) any other information relating to its functions that the Council considers necessary.

(4) The annual report shall be approved by the Council and published and publicized as prescribed by the Climate Change and Public Finance Management Act.

Audit

34. (1) The Fund Administrator shall cause to be kept proper books and records of account of its income, expenditure, assets and liabilities.

(2) The Accounting Officer shall submit to the Auditor-General within three months after the end of each financial year, the accounts of the Fund in respect of that year together with—

- (a) a statement of the income and expenditure of the Fund during that year; and
- (b) a statement of the assets and liabilities of the Fund on the last day of that financial year.

(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.

PART V – MISCELLANEOUS PROVISIONS

Guidelines

35. The Executive Committee Member in charge of the County Treasury shall in consultation with the Executive Committee Member in charge of Environment, Climate Change and Natural Resources and the Council develop guidelines for the proper implementation of these Regulations and management of the Fund.

Amendments

36. (1) The Council may on its own motion or at the instance of any other interested party recommend to the Executive Committee Member in charge of the County Treasury any amendments to these regulations for consideration.

(2) The Executive Committee Member in charge of the County Treasury shall subject any recommendation from the Council for amendments to these Regulations to public participation before giving effect thereto.

37. Miscellaneous provisions: including on winding up of the Fund and amendment of Regulations.

SCHEDULE



Form A

R. 15(2)

COMMUNITY PRIORITY PROJECTS NOTIFICATION FORM

Financial Year.....

Ward Name.....

	Project title and location	
1	Project priority rank	
1.1	Short description and target beneficiaries	
1.2	Justification	
1.3	Description of proposed measures	
2	Project costs	
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	
3	Total estimated costs for the year	
4	Sources of finance	
4.1	Development costs	
4.2	Operations and maintenance costs	
5	Staffing and maintenance arrangements	
6	Relationship with other projects	
7	Project timeframe (period of implementation)	



Form B

R. 10(3)

PROJECT FUNDS REALLOCATION FORM

Ward Name.....

Financial Year.....

Project No.	Project Location	Amount Allocated (Kshs.)	Amount Disbursed (Kshs.)	Balance (Kshs.)	Unspent to be Reallocated

Reasons for reallocation

Signature

Date

Name

Position



FORM C

R. 24(3)

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

EXPLANATORY MEMORANDUM FOR THE KISUMU COUNTY CLIMATE
CHANGE FUND REGULATIONS, 2023

The Purpose of the Kisumu County Climate Change Fund Regulations, 2023

1. These Regulations propose to provide the Management and Administrative procedures for the Kisumu County Climate Change Fund established in accordance with Section 5 of the Kisumu County Climate Change Act, 2020 and to provide for a framework to mobilize resources for mitigation and emergency response towards containing the spread, effect and impact of Climate Change related disasters.

2. Key economic sectors in Kisumu County are particularly susceptible to climate change impacts and this threatens to undermine the County's impressive development gains. It is therefore important that the County builds and enhances its climate resilience and adaptive capacity. Building climate resilience requires that the County's systems of governance and ecosystems have capability to maintain competent function in the face of climate change. This would aid a return to some normal range of function even when faced with adverse impacts of climate change. Adaptive capacity is key to improving socio-economic characteristics of communities, households and industry as it includes adjustments in behavior, resources and technologies, and is a necessary condition for design and implementation of effective adaptation strategies. There is mutual reliance in that the County's adaptive capacity depends on the resilience of its systems.

3. In recognition of the extra-ordinary nature of Climate Change and its enormous local effects, and conscious of the solemn duty of the County Government to guarantee the enjoyment of social, civil and economic rights; this Fund will support the implementation of targeted County Government interventions to cushion every resident from Climate Change related incidents and invest in public goods and structures to strengthen adaptation to climate change.

4. To achieve this Purpose, the Regulations provides procedures in particular for the financing of—

- (a) climate resilience assessments;
- (b) implementation of climate change response projects proposed by Ward Planning Committees and communities and approved by the Planning Committee;
- (c) priority county level climate change response projects approved by the Planning Committee;
- (d) climate change research and knowledge management in the county;
- (e) public education, sensitization and awareness creation on climate change and its impacts;
- (f) capacity building for stakeholders to effectively respond to climate change;
- (g) monitoring, evaluation, reporting and learning on climate change response in the county and;
- (h) any other projects, activities and interventions recommended by the Planning Committee and approved by the Climate Change Council

The Legislative Context

5. The Parliament of Kenya delegated the duty to establish County public funds to the CEC Member responsible for finance with the approval of the County Assembly. This is provided for under Section 116 of the Public Finance Management Act, 2012.

Towards this end, this Fund is proposed to be established under the section and Section 5 of the Kisumu County Climate Change Act, 2020.

6. These Regulations are also premised on the proposals of the Kisumu County Climate Change Policy, 2020 and by extension provides the implementation procedures for Climate Change Policy initiatives.

Policy Background

7. Formulation of these Regulations are also initiated within the framework of the National Climate Change Action Plan (NCCAP, 2023-2027) whose objective is to encourage low carbon climate resilient development through implementation of the NCCRS.

8. A broad range of strategies and programs have been pursued by the County Government to address the effects of climate change within Kisumu County. However, these initiatives have taken place without a coherent regulatory framework and therefore appear reactive and uncoordinated. Accordingly, these Regulations reflects the County Government's policy direction and commitment to formulating a proactive, coherent and integrated climate change response that focuses on reducing vulnerability and building the resilience of the people, property, environment and economy.

9. These Regulations are further premised on the Sessional Paper No. 3 of 2016 on National Climate Change Framework Policy and facilitates the economic, social and environmental benefits of the Kisumu County's transition to a low carbon climate resilient economy.

Public Consultations.

10. The County Treasury in collaboration with the Department of Climate Change conducted various public consultations with stakeholders include the people of Kisumu County. These Regulations have also been subjected to the requisite scrutiny of the County Assembly in accordance with the Statutory Instruments Act, 2013.

Guidance

11. The County Treasury and the Department of Climate Change will sensitize stakeholders including the Members of the County Assembly and the general public on the provisions of the Kisumu County Climate Change Fund Regulations, 2023.

Performance Monitoring and Evaluation of the Fund

12. The County Treasury shall monitor the application of the Kisumu County Climate Change Fund resources. This will be done through quarterly reports submitted by the Administrator of the Fund. In addition, the Climate Council shall be responsible for implementing the Fund and will also carry out regular monitoring and evaluation of the specific programmes, projects and develop policies relating to the general administration and management of the Fund.

County Treasury Contact Person

13. The Contact Person at the County Treasury is the CEC Member for Finance and Economic Planning or the Chief Officer.

Made on the 31st October, 2023.

GEORGE OKONG'O,
*County Executive Member for
Finance and Economic Planning.*