



MAKUENI COUNTY CLIMATE CHANGE MANAGEMENT BILL, 2025

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MAKUENI COUNTY CLIMATE CHANGE MANAGEMENT BILL, 2025

A Bill for—

AN ACT of the County Assembly of Makueni to provide for the framework and mechanisms for mobilization and facilitation of the county government, communities and other stakeholders to respond effectively to climate change through appropriate adaptation and mitigation measures and actions and for connected purposes.

ENACTED by the County Assembly of Makueni, as follows—

PART I— PRELIMINARY	
Short title.	1. (1) This Act may be cited as The Makueni County Climate Change Management Act, 2025. (2) This Act shall come into operation on the date of publication in the Kenya Gazette
Interpretation	2. In this Act unless the context otherwise requires “adaptation” means adjustment in natural or human systems in response to actual or expected climatic stimuli or their effects in order to moderate harm or exploit beneficial opportunities; “adaptive capacity” means the ability of a system to adapt to the impacts, cope with the consequences, minimize potential damages, or take advantage of opportunities offered by climate change or climate variability; “authority” means the National Environment Management Authority established by the Environmental Management and Coordination Act, 1999, as amended by the Environmental Management and Coordination (Amendment) Act, 2015; “board” means the County Climate Change Fund Board established under section 15 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 variability observed over a considerable period of time; “climate change unit” means the climate change unit established under section 22 of this Act; “Constitution” means the Constitution of Kenya, 2010; “County” means Makueni County; “County Assembly” means the County Assembly of Makueni; “County Government” means the County Government of Makueni; “environment” has the meaning assigned to it in section 2 of the Environmental Management and Coordination Act, 1999; “Executive Committee Member” means the County Executive Committee Member for the time being responsible for climate change matters in the County; “Fund” means the County Climate Change Fund established under section 39 of this Act; “Fund Administrator” means the Administrator of the County Climate Change Fund under section 40 of this Act; “mitigation” means preventing, reducing or slowing down the increase of atmospheric greenhouse gas concentrations by limiting current or future emissions and enhancing potential sinks for greenhouse gases; “planning committee” means the County Climate Change Planning Committee established under section 21 of this Act; “private entity” means a body or person with functions of a private nature and includes bodies registered under the Public Benefits Organizations Act, 2013; “public entity” means a body or person with functions of a public nature; “climate change resilience” has the meaning given under the Climate Change Act, 2016;
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	“Steering Committee” means the County Climate Change Steering Committee established under section 5 of this Act; “vulnerability” means the conditions determined by physical, social, economic and environmental factors or processes which increase the susceptibility of a system to the impacts of hazards; and “ward planning committee” means the Ward Climate Change Planning Committee established under this Act.
Object of the Act	3. The object of this Act is to— (1) Enhance climate resilience through facilitation and establishment of structures and systems for adaptation, mitigation and financing of climate actions. (2) Without prejudice to subsection (1), this Act shall be applied by the County Government in all sectors of the economy to— - mainstream climate change responses into development planning, decision making and implementation; - implement coordinated and integrated responses to climate change and its impacts by all actors and stakeholders; - enhance adaptive capacity, strengthen resilience and reduce vulnerability to climate change; - promote, support and facilitate community-based and locally-led adaptation and mitigation activities; - provide incentives for the private sector to contribute to the achievement of low-carbon, climate-resilient development; - facilitate public participation in climate change response through capacity development, awareness creation, consultation, representation and access to information through participatory processes; - establish frameworks and mechanisms for resource mobilization and management for climate action; - promote and facilitate climate change research, innovations, technology transfer and capacity building;

	i) enhance cooperative climate change governance between the County, neighbouring counties and the national government; and j) contribute to national efforts to address the adverse impacts of climate change.
Guiding values and principles	4. The implementation of this Act shall be guided by— (a) the principles and values set out under Article 10 the Constitution; and (b) the guiding principles of low-carbon climate resilience and sustainable development.
PART II— COORDINATION AND OVERSIGHT	
Establishment of the County Climate Steering Committee	5. There is established the County Climate Change Steering Committee.
Functions of the Steering Committee	6. The Steering Committee shall coordinate and oversee climate change response in the County, and in this connection shall— (a) ensure mainstreaming of climate change into County planning and development processes; (b) coordinate formulation, review, approval and monitoring of implementation of the County Climate Change Action Plan, County Climate Finance Framework and any other County climate change policies, plans and strategies; (c) review and make recommendations on annual and other reports on implementation of the County Climate Change Action Plan and related climate change interventions in the County; (d) advise the County Government on legislative, policy and other measures necessary for climate change response and attainment of low-carbon, climate-resilient development; (e) provide policy direction on research and monitoring, training and dissemination of information relating to climate change to the public and other stakeholders; (f) ensure inter- and intra-County partnerships in climate change programming and action; (g) ensure a coordinated approach to climate change response within the County Government, between the County and

	national governments, and among stakeholders in the County; (h) oversee the climate change reporting framework for the County; (i) without prejudice to section 16 of this Act, provide linkage for resource mobilization in consultation with the Board; and (j) perform any other functions that may further the foregoing objectives or that may be assigned by the Governor.
Reporting to the Governor	7. The Steering Committee shall, within seven (7) days after every meeting, prepare and submit to the Governor a written report outlining— (a) the matters deliberated upon at the meeting; (b) the resolutions and decisions made by the Steering Committee;
Composition of the Steering Committee	8. (1) The Steering Committee shall comprise of not more than eleven (11) members who shall be appointed by the Governor. (2) The members of the Steering Committee shall be— (a) the Executive Committee Member responsible for climate change matters, who shall be the Chairperson; (b) the Executive Committee Member responsible for the County Treasury; (c) the Executive Committee Member responsible for Water; (d) the Executive Committee Member responsible for Agriculture; (e) the Executive Committee Member responsible for Disaster Management; (f) the National Government official responsible for coordination of drought response in the County; (g) County Director for National Environment Management Authority; (h) the Chairperson of the County Climate Change Fund Board; (i) the County Chief Officer responsible for climate change, who shall be the Secretary and ex officio member; (j) one representative from the academia or a research institution specializing in climate change;

	(k) The Fund administrator, as an ex-official member with no voting right (l) The committee may co-opt members with relevant expertise when needed to advise on specific matters (3) The Executive Committee member shall develop guidelines for the nomination and appointment of the non-state actors. (4) The governor in appointing members specified non state actors shall ensure compliance with the two thirds gender principle
Approval of appointments by the County Assembly	9. The names of persons nominated for appointment under section 7(2) who are non-state actors shall be nominated by the Governor and presented to the County Assembly for vetting and approval.
Term of the Steering Committee	10. Non-state members of the Steering Committee appointed under section 8(2) shall serve for one non-renewable term of five (5) years.
Meetings of the steering committee	11. (1) The Steering Committee shall meet at least once every quarter in each financial year. (2) The quorum for a meeting of the Steering Committee shall be two thirds of the members. (3) A resolution of the Steering Committee shall require an affirmative vote of at least one half of the members present at a meeting, excluding the Chairperson's vote which shall be a casting vote. (4) In the absence of the Chairperson, the Vice Chairperson shall chair meetings of the Committee; in the absence of both, the members present shall elect one to chair the meeting. (5) The Steering Committee may invite any technical staff of the national or County Government to attend its meetings if their expertise will contribute to deliberations, and such persons may participate in discussions; their attendance and participation shall be recorded in the minutes.

Allowances for members of the steering committee	12. The County Executive Committee Member responsible for finance shall issue guidelines for payment of allowances and other benefits to members of the Steering Committee.
Delegation of powers by the steering committee	13. Subject to the provisions of this Act, the Steering Committee may, either generally or in a particular case, delegate in writing the exercise of any of its functions under this Act to any sub-committee, or to any member, officer or agent of the Steering Committee.
Establishment of the County Climate Change Fund Board.	14. (1) There is established a County Climate Change Fund Board to manage the Makueni County Climate Change Fund.
Composition of the County Climate Change Fund Board.	15. (1) The Board shall comprise of— (a) A Chairperson, who shall not be a public officer; (b) The County Chief Officer responsible for finance; (c) The County Chief Officer responsible for climate change, who shall be the Secretary; (d) Two representatives of participating donors or development partners, nominated by the Governor and presented to the County Assembly for vetting and approval; (e) Two representatives of civil society organizations working on climate change, nominated by the Governor and presented to the County Assembly for vetting and approval; (f) One representative of key economic actors in the County, nominated by the Governor and presented to the County Assembly for vetting and approval; and (g) The Fund Administrator. (2) Members of the Board shall elect a Vice-Chairperson from among themselves at the first meeting of the Board. (3) The Board shall serve for a term of three (3) years: provided that one-third of the non-state actor members shall be eligible for re-appointment for one further term.

	(4) The Executive Committee Member responsible for climate change matters shall issue guidelines to govern the nomination and appointment of non-state members of the Board. (5) All members of the Board shall be nominated and appointed by the Governor in accordance with this Act and any applicable guidelines issued under subsection (4). (6) In nominating and appointing members of the Board, the Governor shall ensure compliance with the two-thirds gender principle as provided under the Constitution.
Functions of the Board.	16. The functions of the Board are to— (a) mobilize resources for climate change adaptation and mitigation in the County; (b) approve the annual budget of the County Climate Change Fund; (c) allocate resources from the Fund in accordance with the Fund’s regulations and the climate change priorities; (d) monitor disbursements from the Fund; (e) oversee budget execution; (f) oversee implementation of climate programs and projects supported by the Fund; and (g) evaluate the effectiveness of climate change programs and projects funded by the County.
Meetings of the County Climate Change Fund Board	17. (1). The Board shall meet at least once every quarter in each financial year. (2) The quorum for a meeting of the Board shall be two-thirds of the members. (3) A resolution of the Board shall require the affirmative vote of at least one half of the members present (4) In the absence of the Chairperson, the Vice-Chairperson shall preside at meetings of the Board; in the absence of both, the members present shall elect one to preside.

Allowances for the members of the Board	18. Members of the Board shall be paid such allowances as are stipulated by the Salaries and Remuneration Commission.
Powers of the Board	19. The County Climate Change Fund Board shall have powers to— (a) authorize funding of approved projects and program proposals submitted by the Ward Climate Change Planning Committee and other stakeholders; (b) receive and approve the annual budget of the Fund that is consistent with the resource allocation criteria under the Public Finance Management Act, 2012 and any relevant County policies.
	PART III — INSTITUTIONAL FRAMEWORK FOR PLANNING AND IMPLEMENTATION
Establishment of The County Climate Change Planning Committee	20. (1) There is established the County Climate Change Planning Committee.
Functions of the County Climate Change Planning Committee	21. (1) The functions of the Planning Committee shall be— (a) receive, vet and approve proposals from the Ward Climate Change Planning Committees and stakeholders (b) Provide technical support to the Ward Climate Change Planning Committees (c) Coordination of Climate Risk and Vulnerability Assessment (d) to implement the County Climate Change Action Plan and the County Climate Finance Framework; (e) Guide the Ward Planning Committees in formulating climate response projects for funding (f) support Ward Planning Committees in implementation of climate response projects; (g) coordinate implementation of the County Climate Change Fund Regulations; (h) advise the Steering Committee on strategies, priority programmes, projects and activities for climate change response in the County; (i) formulate and implement strategic actions to foster climate change education, awareness creation and capacity development in the County;

	(j) to coordinate research and knowledge management on climate change, its impacts and strategies for responding thereto; (k) prepare and disseminate an annual report on climate change response activities in the county; (l) formulate and implement a county monitoring, evaluation and reporting framework for climate change response; (m) perform any other functions assigned to it by the Steering Committee
Composition of the County Climate Change Planning Committee	22. The Planning Committee shall comprise— (a) Chief Officer responsible for Climate Change as the Chairperson; (b) Director responsible for County Socio Economic Planning Vice Chairperson; (c) Director responsible for water; (d) Director Responsible for Disaster Management (e) Director responsible for Agriculture; (f) A Representative of Ward Planning Committees; (g) County Director of Meteorological Services; (h) A representative of persons with disability; (i) A youth Representative of Civil Society Organization, in the county; (j) County Drought Coordinator; (k) The Administrator of the Fund; (l) Director responsible for Climate Change as the Secretary with no voting rights (m) The committee may co-opt members with relevant expertise when needed to advise on specific matters
Appointment of the members of the County Climate Change Planning Committee	23. (1) Members of the County Planning Committee shall be appointed by the Executive Committee Member for the time being responsible for climate change matters. (2) the Executive Committee Member for the time being responsible for climate change matters shall provide a criterion for the appointment of Non state Actors

	(3) Members of the Planning Committee appointed under section 22 (h), and (i), shall serve for a term of five years
Removal of member of county planning committee	24. (1) A member of the County Planning Committee may at any time resign from the Committee by giving one month's notice to the Executive Committee Member for the time being responsible for climate change matters. (2) A member of the County Planning Committee may be removed from the Committee by the Executive Committee Member responsible for climate change matters on any one or a combination of the following grounds: (a) failure to attend two consecutive meetings of the County Planning Committee without reasonable cause duly communicated to the chairperson of the Committee; (b) serious violation of the Constitution or any other written law; (c) gross misconduct; (d) physical or mental incapacity; and (e) bankruptcy. (3) A person who is a member of the Planning Committee by virtue of his or her office under section 22 (a), (b), (c), (d), (e), (f), (g), (j), (k), (l), and (l) shall cease to be a member of the Committee upon ceasing to hold that office. (4) A person who is a member of the Planning Committee under section 22 (h), and (i) shall cease to be a member of the Committee upon ceasing to be a member of the interest group or upon being recalled by the interest group for good cause and through a written communication from an authorized official of the interest group to Executive Committee Member for the time being responsible for climate change matters.. (5) Whenever a member of the County Planning Committee is removed or otherwise ceases to be a member of the Committee, the Executive Committee Member for the time being responsible for climate change matters shall initiate the process of replacement within 30 days of the vacancy.
Meetings of the Planning Committee	25. (1) The County Planning Committee shall meet at least once every quarter in each financial year.

	(2) The quorum for meetings of the County Planning Committee shall be two thirds of the members. (3) A resolution of the County Planning Committee shall require an affirmative vote of more than one half of the membership present at a meeting. (4) In the absence of the chairperson, the vice chairperson shall preside over a meeting, and in the absence of both the chairperson and the vice-chairperson, the members in attendance shall elect one of them to chair the meeting; provided that no two consecutive meetings shall be held without either the chairperson or the vice-chairperson being present. (5) The County Planning Committee may invite to its meetings any technical staff of the national or county government who it considers will contribute to its deliberations, and the attendance and participation of such person shall be recorded in the Minutes of the Planning Committee.
Allowances of the Planning Committee	26. The Executive Committee Member responsible of Finance shall provide guidelines for the remuneration of the committee
Establishment of the Climate Change Unit	27. (1) There is established the County Climate Change Unit. (2) The Department responsible for climate change matters shall serve as the secretariat to the County Climate Change Fund Board.
Composition of the Climate Change Unit	28. The Climate Change Unit shall be headed by the Director responsible for climate change matters.
Functions of the Climate Change Unit	29. (1) The functions of the County Climate Change Unit include— (a) in consultation with the Chief Officer, advise the County Executive Committee Member on policy and strategic planning and all matters related to Climate Change in the County;

	(b) serve as the secretariat to the County Climate Change governance structures; (c) coordinate the implementation of climate change policies, strategies action plans, programs, projects, and activities; (d) coordinate resource mobilization for climate action in the county; (e) mainstream and coordinate integration of climate change into the sectorial strategies and plans; (f) spearhead technology, innovation and management processes geared towards climate change mitigation and adaptation; (g) undertake education, training and awareness creation on climate change; (h) create linkages and partnerships with various stakeholders and key-players in the sector; (i) develop and disseminate annual reports on climate change response actions in the county; (j) coordinate the implementation of the decisions of the Climate Change Structures (k) in collaboration with the National Climate Change Directorate of Climate Change, identify sector-based greenhouse gases emission profile; (l) Develop and implement a monitoring and evaluation plan for Climate Actions. (m)in collaboration with Kenya Meteorological Department Coordinate Climate Information Dissemination (n) Develop a Grievance Redress Mechanism for implementation of Climate actions. (o) Conduct County Climate Change vulnerability and risk assessments
Establishment of the Ward Climate Change Planning Committee	30. There shall be established a Ward Climate Change Planning Committee in each ward.
Functions of the Ward Planning committee.	31. The functions of the Ward Planning Committee shall be — (a) to coordinate and mobilize communities and other stakeholders in the ward to develop climate change proposals for funding; (b) To support community resilience planning;

	(c) promote public education, awareness creation, and capacity building at the ward level on climate change, its impacts and strategies for responding thereto; (d) mainstreaming of climate actions in planning and budgeting processes at the Ward level; (e) Support public participation in climate change governance, implementation of agreed climate change response activities, and monitoring of those activities; (f) monitor implementation of climate actions funded by the County Climate Change Fund and report thereon to the Planning Committee; (g) perform any other functions that may be assigned to it by the Planning Committee;
Composition of Ward Planning Committee	32. (1) A Ward Planning Committee shall comprise of 9 members representing the diverse interests in the community, namely— (a) the Ward Administrator who shall be the Chairperson; (b) two youth representatives, being of different genders; (c) one representative of persons with disability; (d) one person representing Community-Based Organizations in the Ward and actively engaged in climate change response activities; (e) three representatives of key climate related economic activities in the Ward; (f) the officer responsible for Climate Change at the Ward who shall be the secretary. (2) Nomination of members falling under subsections (b), (c), (d), and (e) shall be conducted by representatives of the respective groups at a meeting convened by the Ward Administrator at the Ward headquarters for that purpose and presided over by the officer responsible for climate change matters at the Ward Level or a representative thereof. (3) The notice convening the meeting under shall be issued not less than seven (7) days' prior the date thereof, and shall be publicized. (4) Nomination of the representative of Community-Based Organizations shall be done by the relevant network for that specific purpose, and communicated to the Ward Administrator in writing with a certified copy of the resolution. (5) Where there is no officially recognized ward level network of Community-Based Organizations, the Ward Administrator will

	consult with the chiefs in the ward to agree on the appropriate representative under subsection (4). (6) The Ward Climate Change Planning Committee may invite to its meetings any technical staff of the national or county government who it considers will contribute to its deliberations, and the attendance and participation of such person shall be recorded in the Minutes of the Committee. (7) Within thirty (30) days of the conclusion of the nominations, the Climate Change Unit shall present the list of nominees to the Executive Committee Member responsible for Climate Change for appointment and gazettment. (8) Within thirty (30) days after receiving the nominees the Executive Committee Member responsible for Climate Change matters shall appoint and gazette the nominees and Officers of the Ward Planning Committee. (9) The first activity of the Ward Planning Committee at its first sitting shall be the election of a vice-chairperson from among the members. (10) The chairperson and the vice-chairperson shall not be members of the same gender.
Qualifications for appointment to Ward Planning Committees	33. The Executive Committee Member responsible for Climate Change shall provide a criterion of selection of members of Ward Climate Change Planning Committee.
Term.	34. (1) Save for the Ward Administrator and Officer responsible for climate change at the Ward Level, and subject to subsection (2) hereof, members of the Ward Planning Committee shall serve for one non-renewable term of five years. (2) Without prejudice to the provisions of subsection (1), and in order to ensure continuity, at the end of the term, three members of the Ward Planning Committee members shall be retained as guided by Executive Committee Member responsible for Climate Change in consultation of the Climate Change Unit

Removal of a member of the Ward Planning Committee	35. (1) A member of the Ward Planning Committee may at any time resign from the Committee by giving one month's notice to the Executive Committee Member responsible for climate change matters. (2) A member of the Ward Planning Committee may be removed from the Committee by the Executive Committee Member responsible for Climate Change on recommendation by the Ward Administrator on any one or a combination of the following grounds — a) failure to attend two consecutive meetings of the Ward Planning Committee without reasonable cause duly communicated to the chairperson of the Committee; b) violation of the Chapter 6 of the Constitution of Kenya 2010; c) gross misconduct; d) physical or mental incapacity; e) bankruptcy. f) person who is a member of the Ward Planning Committee by virtue of his or her office shall cease to be a member of the Committee upon being transferred from the county or ceasing to hold that office. (3) A person who is a member of the Ward Planning Committee shall cease to a member of the Committee upon ceasing to be a member of the Community-Based Organization or upon being recalled by the umbrella organization for good cause and through a written communication from an authorized official of the umbrella organization the Officer responsible for climate change matters at the Ward Level. (4) Whenever a member of the Ward Planning Committee is removed or otherwise ceases to be a member of the Committee, the Executive Committee Member responsible for Climate Change shall initiate the process of replacement within thirty (30) days of the vacancy. (5) The Executive Committee Member responsible for Climate Change shall provide guidelines for the removal and de-gazettment of a member.
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Meetings of the Ward Planning Committee	36. (1) The Ward Planning Committee shall meet at least once in every quarter. (2) Save for the inaugural and emergency meetings, which shall be held at the ward headquarters, regular meetings of the Ward Planning Committee shall be convened and held in the different locations of the ward on a rotational basis. (3) The quorum for meetings of the Ward Planning Committee shall be two thirds of the members. (4) A resolution of the Ward Planning Committee shall require an affirmative vote of more than one half of the membership present at a meeting, excluding the chairperson's vote which shall be a casting vote. (5) In the absence of the chairperson, the vice chairperson shall preside over a meeting, and in the absence of both the chairperson and the vice-chairperson, the members in attendance shall elect one of them to chair the meeting. (6) Regular meetings of the Ward Planning Committee shall be scheduled in such a manner as to ensure that resolutions thereof are available in time for the next regular meeting of the County Climate Change Planning Committee. (7) A Ward Planning Committee may invite to its meetings any technical staff whose expertise and skills may be needed for purposes of a matter before the Committee, and the Ward Administrator shall ensure that technical staff in the ward are available to advise the Committee as and when necessary.
Reimbursement of members of Ward Planning Committees	37. Members of the Ward Planning Committee shall serve on a voluntary basis, but may be reimbursed incurred expenses at a rate to be determined by the regulations.

PART IV — MEASURES AND ACTIONS FOR RESPONDING TO CLIMATE CHANGE	
County Climate Risk Assessment	38. (1) The climate change unit in consultation with relevant stakeholders and through public consultations shall undertake a county climate risk assessment. (2) The climate risk assessment report shall be periodically reviewed and updated through a participatory process
County Climate Change Action Plan	39. (1) The County Government shall develop a County Climate Change Action Plan, to be reviewed and updated periodically, in accordance with national climate change strategies. (2) The County Climate Change Action Plan shall be for a period of five years and shall run concurrently with the current National Climate Change Action Plan and County Integrated Development Plan (3) The County Climate Change Action Plan shall be reviewed and updated every five years through a participatory process
Contents of the County Climate Change Action Plan	40. (1) The Action Plan shall outline adaptation and mitigation strategies, priority projects, timelines and resource allocations. (2) The County Climate Change Action plan shall- - be aligned to the current National Climate Change Action Plan and respond to the specific needs and circumstances of the county; - contain a climate change needs and response assessment for the county; - articulate a climate change response implementation plan informed by the climate change needs and response assessment, and specifying measures and mechanisms for — - guiding the county towards the achievement of low carbon climate resilient sustainable development;

	ii) mainstreaming climate change into county development plans, programmes, strategies and projects; iii) adaptation to and mitigation of climate change; iv) enhancing research, capacity building and knowledge management on climate change and climate change response. v) enhancing public awareness for effective participation in climate change response; vi) monitoring, evaluation and periodic review to integrate learning and best practice in the implementation of the County Climate Change Action Plan. (3) The Steering Committee shall submit the County Climate Change Action Plan to the County Executive Committee Member responsible for climate change matters for approval. (4) The Plan shall also be tabled before the County Assembly for noting. (5) The County Climate Change Action Plan shall be reviewed and updated at least once every two years or as otherwise required by prevailing national policies.
Climate Change Information Services and Early Warning Systems	41. (1) The county climate change unit in consultation with Kenya Metrological Department and other stakeholders shall develop, maintain and implement a county climate information service plan. (2) The County Climate Change unit shall collaborate with other stakeholders to establish and implement mechanism for early warning systems for climate risks and hazards within the county
Resource Mobilization	42. (1) The Climate change fund board shall develop strategy for resources mobilization for climate action in the county. (2) The Executive Committee Member responsible for Climate Change shall develop guidelines and regulations to facilitate the

	county's access to green financing and emerging climate financing opportunities (3) The climate change unit shall undertake continuous capacity building to enable the county's access to climate finance
Access to Carbon Markets	43. (1) The County Government shall: - a) Oversee and monitor the negotiation of the community development agreement with project proponents and the stakeholders. b) Enforce the community rights negotiated under a community development agreement negotiated. c) Through the Governor provide a letter of support to the project proponents in the prescribed format. d) Coordinate and facilitate technical assistance and capacity building to communities in implementation of carbon projects. e) Coordinate carbon projects implemented by private sector within their jurisdiction including coordination of Communities entering into Community development agreements. f) Oversee public participation, community awareness and engagement on carbon market projects g) Through the Governor appoint a technical representative to the Community Development Agreement Committee (2) The Governor shall appoint a technical committee to perform the functions under section 43 (1) (a) (b), (c), (d), (e), and (f) (3) No person shall initiate, implement or participate in a carbon market project within the County without a valid letter of support issued by the Governor in accordance with this Act. (4) A person who undertakes a carbon market project in contravention of subsection (3) commits an offence. (5) An application for a letter of support under this section shall be subject to the payment of such application fee and percentage-based charge as may be prescribed in the County Finance Act for the

		relevant financial year, upon the recommendation of the Executive Committee Member responsible for finance.
Annual Climate Report	County Change	44. (1) The Steering Committee shall, within three months after the end of every financial year, publish publicly and submit a report on implementation of the County Climate Change Action Plan to the County Assembly for review, discussion and adoption. (2) The County Assembly shall, within thirty (30) days of receiving the report, provide recommendations to the Steering Committee. (3) A copy of the report issued under subsection (1) shall be forwarded to the National Climate Change Directorate in line with the National Climate Change Act, 2016. (4) Private entities within the County may be obligated to provide data or information as may be required in implementation of Climate Change Initiatives or functions provided for in this Act.
PART VI— DUTIES RELATING TO CLIMATE CHANGE		
Climate Change duties with respect to public entities		45. (1) Every county public entity shall incorporate climate change adaptation and mitigation considerations into its planning, policies and operations, including— (a) conducting climate risk assessments in projects; (b) enhancing energy efficiency and reducing emissions in its operations; (c) protecting and enhancing green spaces and natural resources; and (d) reporting annually to the Steering Committee on its climate change measures.
Climate Change duties with respect to private entities.		46. Every private entity operating in the County shall undertake measures to reduce its greenhouse gas emissions and adapt to

	climate change, and shall cooperate with the County Government in attaining climate change objectives.
Monitoring and reporting compliance	47. (1) The Steering Committee shall monitor compliance with the climate change duties imposed by this Act and may request public or private entities to submit progress reports on their adaptation and mitigation measures. (2) The County Director responsible for climate change matters shall, with the assistance of the representative of the National Environment Management Authority and on behalf of the Steering Committee, monitor, investigate and report on whether public and private entities are in compliance with the assigned climate change duties, and in performance of this function she or he shall— (a) have all powers necessary for purposes of monitoring and investigation including the power to enter premises of any private entity and make an enquiry; and (b) at a reasonable hour, for the purposes of monitoring and investigation, enter any private land or premises to make an inspection or other task related to this function. (3) The County Director responsible for climate change matters shall report to the Steering Committee on the performance of functions under subsection (1) on annual basis, and such report shall form part of the annual climate change report
Steering Committee may require private entity to report on performance	48. (1) The Steering Committee may, by written notice, require any private entity operating within the County to furnish information on its performance in relation to climate change duties imposed by this Act. (2) executive committee member shall make regulations governing the nature and procedure for reporting on performance of climate change duties by private entities, including monitoring and evaluation of compliance.
PART VI — PUBLIC PARTICIPATION AND ACCESS TO INFORMATION	

Values and principles to apply to planning and implementation	49. Climate change planning and implementation under this Act shall be guided by the values and principles set out in Chapter Six of the Constitution, including public participation, transparency, accountability, equity, non-discrimination and gender mainstreaming.
County strategy for climate change education and public awareness	50. The County Government shall develop and implement a strategy for climate change education, public awareness and outreach in the County, targeting schools, communities, businesses and other stakeholders.
Public sensitization to precede formulation of climate change response plans	51. In the development of the County Climate Change Action Plan and related policies, the County Government shall undertake broad public sensitization and stakeholder consultations, including community dialogues and information dissemination, to gather input and build consensus.
Capacity building for effective public participation	52. The County Government shall provide training and capacity building to community groups, youth, women, persons with disabilities and other stakeholders to enable effective participation in climate change governance and response processes.
Access to information	53. (1) Every Kenyan citizen shall on request have access to information held by any county government or any unit or department thereof or any other State organ in accordance with Article 35 of the Constitution. (2) The County Climate Change Unit shall ensure that climate change data, research, plans and reports are made available through public libraries, the internet or other means.
PART VII — COUNTY CLIMATE CHANGE FUND	
Establishment of the County Climate Change Fund	54. (1) There is established the Makueni County Climate Change Fund to provide funding for priority climate change actions and interventions identified by communities and other stakeholders. (2) The Fund shall be vested in the County Treasury, managed by the Fund Board and administered by the Fund Administrator in

	consultation with the Chief officer responsible for Climate Change matters.
Fund Administrator	55. (1) There is a Fund Administrator who shall be appointed by the Executive Committee Member responsible for Finance to oversee the day-to-day operations of the Fund as per the Public Finance Management Act, 2012. (2) The Fund Administrator shall— (a) manage day-to-day operations of the Fund; (b) receive and disburse funds in accordance with the Fund’s regulations; (c) maintain accounts and prepare annual financial statements; and (d) report to the Board on the status and utilization of the Fund.
Sources of the Fund	56. The County Climate Change Fund shall consist of— (a) Such monies appropriated by the County Assembly for purposes of the Fund, not being less than two percent of the county development budget excluding conditional grants and loans; (b) Any grants, donations, gifts, loans and endowments given to the Fund; and (c) Monies from any other lawful source accruing to the Fund.
County Climate Change Fund Regulations	57. The County Executive Committee Member responsible for climate change matters, in consultation with the Fund Board, make regulations governing the administration, management and use of the Climate Change Fund.
PART IX— FINANCIAL PROVISIONS	
Funding operations of Climate change governance structures	58. the Executive Committee member responsible for Climate Change in consultation with the Executive Committee member responsible for Finance shall formulate guidelines for funding the operations of the climate change governance structures
Annual estimates of the Fund	59. At least three months prior to the commencement of each financial year, the Executive Committee Member shall cause to

	be prepared the estimates of revenue and expenditure of the fund of Climate change structures for the Financial year
Accounts and audit of steering and planning committees	60. (1) The Steering Committee and the Planning Committee shall keep proper accounts of all funds received and spent. (2) The accounts of the Steering Committee, Planning Committee and any sub-committees shall be audited by the Auditor-General or other auditor appointed under the County Government Act, 2012 and the audited accounts shall be submitted to the County Treasury and County Assembly.
Financial year of the steering and planning committees	61. The financial year of the Steering Committee and the Planning Committee shall be the same as that of the County Government.
PART X - MISCELLANEOUS PROVISIONS	
Protection from personal liability	62. No member of the Steering Committee, Planning Committee, Fund Board, or Ward Planning Committee shall be personally liable for any act done in good faith in performance of functions under this Act.
Offences and penalties	63. Any person who— (a) dishonestly misuses funds from the County Climate Change Fund; or (b) wilfully obstructs any person in the performance of functions under this Act; commits an offence and is liable, upon conviction, to a fine not exceeding one million Kenyan shillings, or imprisonment for a term not exceeding five years, or both.
Regulations	64. The County Executive Committee Member responsible for climate change matters may make regulations for the better carrying out of the provisions of this Act.
Repealing of existing Act	65. The Makueni County Climate Change Act, 2022 (No. 6 of 2022) is repealed.

Savings and Transitional clauses	66. (1) Notwithstanding the repeal of the Makueni County Climate Change Act, 2022— a) all committees, boards, units or offices established under the repealed Act shall continue to operate under this Act until reconstituted in accordance with this Act; b) any person holding office in any climate change institution immediately before the commencement of this Act shall, on and after commencement, be deemed to have been appointed under this Act to the corresponding office and shall continue to perform the duties of that office until the term expires or until removed under this Act; c) all rights, obligations and liabilities incurred under the repealed Act are preserved and may be enforced under this Act as if incurred under this Act; d) all plans, policies, projects, programmes and approvals made under the repealed Act shall continue in force under this Act until amended, replaced or revoked under this Act; e) any funding, appropriation or budgetary allocation made under the repealed Act for climate change purposes shall remain available for the same purposes under this Act; and f) any reference in any written law, instrument or document to the repealed Act shall be construed as a reference to this Act. (2) For the avoidance of doubt, the County Climate Change Fund and any Special Purpose Account established under the repealed Act shall continue under this Act as the County Climate Change Fund and Special Purpose Account established by this Act, and all assets, liabilities and commitments shall vest in and be the assets, liabilities and commitments of the Fund under this Act.
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