

THE MAKUENI COUNTY CLIMATE CHANGE FUND REGULATIONS, 2025

ARRANGEMENT OF REGULATIONS

Regulation

PART 1 - PRELIMINARY

1. Citation
2. Interpretation
3. Object of the regulations

PART II – ESTABLISHMENT OF THE MAKUENI COUNTY CLIMATE CHANGE FUND

4. Establishment of the Fund
5. Purpose of the Fund

PART III – MANAGEMENT OF THE FUND

6. Fund Administrator
7. Functions of the Fund Administrator
8. Fund Secretariat
9. Functions of the Fund Secretariat

PART IV – FINANCIAL PROVISIONS

10. Sources of the Fund
11. Fund Account
12. Fund Expenditure
13. Planning and Budgeting
14. Procurement
15. Financial reporting and publication
16. Audit

PART V – DISBURSEMENT OF FUNDS

17. Allocation of funds to Wards
18. Community Consultations
19. Development of project proposals
20. Criteria for approval of projects
21. Vetting and approval of proposals
22. Allocation of funds for approved projects
23. Reallocation of funds

PART VI – GENERAL PROVISIONS

24. Offences
25. Penalties
26. Protection from personal liability

- 27. Grievance redress mechanism
- 28. Winding up of the Fund
- 29. Guidelines

THE CONSTITUTION OF KENYA 2010
THE MAKUENI COUNTY CLIMATE CHANGE ACT
(No. 6 of 2022)

**THE MAKUENI COUNTY CLIMATE CHANGE ACT (MAKUENI COUNTY
CLIMATE CHANGE FUND) REGULATIONS, 2025**

IN EXERCISE of the powers conferred by Section 58 of the Makueni County Climate Change Act, 2022 and Section 116 of the Public Finance Management Act, 2012, the Makueni County Executive Committee Member in charge of the County Treasury makes the following Regulations-

PART I - PRELIMINARY

<i>Citation</i>	1. These regulations may be cited as the Makueni County Climate Change Act (The Makueni County Climate Change Fund) Regulations, 2025
<i>Interpretation</i>	2. In these Regulations, unless the context otherwise requires: “ Act ” means the Makueni County Climate Change Act, 2022; “ Appropriation ” means funds appropriated by the County Assembly for purposes of the Fund; “ 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 in charge of climate change matters; “ Fund ” means the Makueni County Climate Change Fund established under section 54 (1) of the Act; “ Planning committee ” means the County Climate Change Planning Committee established under section 21 of the Act; “ Steering committee ” means the County Climate Change Steering Committee established under section 5 (1) of the Act; “ Ward planning committee ” means the Ward Climate Change Planning Committee established under section 31 of the Act “ Board ” means the Makueni County Climate Change Fund Management Board established under section 15 of the Act; “ Constitution ” means the Constitution of Kenya; “ County ” means Makueni County; “ County assembly ” means the County Assembly of Makueni;

	“Financial year” means the period of 12 months ending on thirtieth day of June in each calendar year; “Fund Administrator” means the person appointed to act as such under section 56 of the Act;
<i>Object</i>	3. The object of these regulations is to provide a framework for the establishment, and administration of the Makueni County Climate Change Fund, its management and operation procedures.

PART II – ESTABLISHMENT THE MAKUENI COUNTY CLIMATE CHANGE FUND

<i>Establishment of the Fund</i>	4. (1) There is established Makueni County Climate Change Fund pursuant to section 56 of the Act. (2) The Fund shall be domiciled at the County Treasury, Managed by the Fund Board and administered by the Fund Administrator in consultation with the Chief officer in charge of Climate Change.
<i>Purpose of the Fund</i>	5. (1) The purpose of the Fund is to provide funding for the implementation of the Act and priority climate actions identified by communities and other stakeholders and approved by Steering Committee. (2) Without prejudice to the generality of sub-regulation1 above, the Fund shall finance- (a) climate resilience assessments; (b) implementation of approved climate change actions as prescribed by the Act; (c) climate change research and knowledge management in the County; (e) public education, sensitization and awareness creation on climate change; (f) capacity building of stakeholders to effectively respond to climate risks; (g) monitoring, evaluation, reporting and learning on climate change response in the County (h) administrative and operational costs; and (i) Any other purpose incidental to the implementation of climate actions

PART III – MANAGEMENT OF THE FUND

Fund Administrator	6. The Executive Committee Member in charge of the County Treasury shall designate a Fund Administrator for the day- to - day running and operations of the Fund.
<i>Functions of the Fund Administrator</i>	7. The functions of the Fund Administrator shall be as prescribed in section 116 of the PFMA Act, 2012 and shall be to - a) prepare accounts for the fund for each financial year; b) not later than three months after the end of each financial year, submit financial statements relating to those accounts to the Auditor-General; c) present the financial statements to the county assembly; d) ensure that the money held in the Fund including any earnings or accruals is spent only for the purposes for which the Fund is established; and e) ensure that the accounts for the Fund and the annual financial statement relating to those accounts comply with the accounting standards prescribed and published by the accounting standards from time to time
<i>Fund secretariat</i>	8. There shall be a secretariat to the Fund shall comprise of - (a) The Fund Administrator who shall be the accounting officer of the Fund; (b) Such staff as may be necessary for the exercise and performance of its functions.
<i>Functions of the secretariat</i>	9. The secretariat shall - a) Assist the Fund Administrator in the day-to- day administration and management of the Fund; b) Mobilize resources for the Fund; c) Coordinate climate change activities and liaise with climate change partners and donors in the County; d) Support the Fund's structures to deliver their mandate as set out in the Makueni County Climate Change Act 2022; e) Develop strategies workplans and budgets to guide the Fund's operations; f) Coordinate, facilitate and support the Fund's board operations; g) Monitor projects to ensure conformity with climate change design specifications; h) Conduct surveys and research on various land uses to inform corrective action plans for climate change resilience building; i) Facilitate and carry out ward-level community climate risk vulnerability and capacity assessments;

	j) Facilitate and support ward-level consultations for the development of ward climate change action plans; k) Implement the county's community led priorities for climate action to enhance resilience; l) Assist county departments and agencies to integrate and mainstream the National Climate Change Action Plan into the CIDPs and County sectoral plans and programs in line with the Climate Change Act, 2016; m) Coordinate all technical climate change related functions in the County; n) Coordinate main streaming of the Climate Change in all county departmental mandates and functions; o) Coordinate awareness creation on climate change impacts and response measures in the County; and p) Keep an updated asset inventory of the Fund's assets.
--	--

PART IV – FINANCIAL PROVISIONS

<i>Sources of the Fund</i>	10. The 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.
<i>Fund Account</i>	11. (1) All monies received shall be maintained in a Special Purpose Account and administered in accordance with provisions of the Public Finance Management Act, 2012. (2) The balance of the Fund at the close of each financial year shall be retained in the Fund for the purposes for which the Fund is established. (3) The bank account for the Fund shall be subject to audit under the provisions of the Public Finance Management Act, 2012
<i>Fund Expenditure</i>	12. (1) There shall be paid out of the Fund payments in respect of expenses incurred pursuant to the purpose of the Fund. (2) Expenditure in respect of administrative costs shall not exceed three percent (3%) of the total payments out of the Fund in any financial year (3) The recurrent expenditure of the Fund shall not exceed twenty percent of the approved budget of any financial year.
<i>Planning and budgeting</i>	13. The Fund Administrator shall, at least three months before the commencement of each financial year- (a) prepare and circulate a list of funds available for climate actions in the County to relevant stakeholders to guide the planning of projects; (b) provide details of conditional funds, if any, to target recipients; (c) submit a consolidated list of ongoing climate change response projects in the county to relevant stakeholders; (d) prepare estimates of the revenue and expenditure of the Fund for that year in accordance with the Act; and

	(e) develop an annual work plan for approval by the County Executive Committee.
<i>Procurement</i>	14. The Fund Administrator shall ensure procurement is done using county structures and in line with the requirements of the Public Procurement and Asset Disposal Act, 2015 and its regulations
<i>Financial reporting and publication</i>	16. (1) Pursuant to Section 116 (7) of the Public Finance Management Act, 2012 the Fund administrator shall - - within a period of three months after the end of the financial year submit to the Executive Committee Member a report of the operations of the Fund and the Committee during such year; - prepare accounts for the Fund for each financial year; - not later than three months after the end of each financial year, submit financial statements relating to those accounts to the auditor general; - prepare the financial statements relating to the fund and submit to the Executive Committee Member in charge of County Treasury for presentation to the County Assembly; - ensure that the accounts for the fund and the annual financial statements relating to those accounts comply with the accounting standards prescribed and published by the accounting standards board from time to time. (2) The funds and usage of money through the Fund shall be published and publicized in line with the provisions of Section 116 (11) of the Public Finance Management Act, 2012
<i>Audit</i>	17. (1) The Fund Administrator shall cause to be kept proper books and records of account of its income, expenditure, assets and liabilities. (2) Within three months after the end of each financial year, the Fund Administrator shall submit to the Auditor-General the accounts of the Fund in respect of that year together with - - a statement of the income and expenditure of the Fund during that year; and - 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; DISBURSEMENT OF FUNDS

<i>Allocation of funds to wards</i>	18. The allocation of funds for ward climate actions shall be guided by- (a) equitable distribution of the funds across the county having regard to the eligibility criteria; (b) prioritization of wards that are more prone to climate risks; and (c) projects that cut across several wards
<i>Community consultations</i>	19. (1) There shall be a participatory process at ward level to identify and prioritize climate actions that inform the ward climate change action plans for the purposes of- (a) creating public awareness about climate change; (b) incorporating indigenous knowledge in climate actions; and (c) providing information about the nature of project eligible for funding through the Fund. (2) The Fund secretariat in consultation with targeted Ward Planning Committees shall review the ward climate actions every financial year.
<i>Development of project proposals</i>	20. The Ward Planning Committee for each ward shall, on the basis of priorities identified in the communities' consultations under regulation 19, develop project proposals and submit to the Planning committee using a prescribed format.
<i>Criteria for approval of projects</i>	21. (1) In reviewing project proposals for funding, the Planning Committee shall consider- a) situation analysis and justification; b) the level of climate risk; c) inclusivity and consideration of vulnerable groups; d) enhancement of livelihoods;

	e) promotion of community resilience; f) environmental and social safeguards; g) complementarity, value-addition and synergy with existing projects; h) monitoring and evaluation plan; i) project sustainability plan; j) innovativeness; k) stakeholder engagement plan; and cost benefit analysis. (2) The Fund secretariat shall support the ward planning committees to comply with the criteria set in sub regulation 1 above.
<i>Vetting and approval of proposals</i>	22. (1) The Planning Committee shall review and vet proposals from Ward Planning Committees, and make a decision thereon within sixty (60) days from the date of receipt. (2) In review and vetting of project proposals the planning committee may co-opt- (a) the Fund secretariat; and (b) consultants and representatives from partners. (3) Upon reviewing the project proposals, the Planning Committee may- (a) recommend approval of the project proposals; (b) reject the project proposals, giving reasons in writing; (c) advice 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. (4) The steering committee shall approve the proposals for funding within 30 days.
<i>Allocation of funds for approved projects</i>	23. (1) The steering committee shall submit the approved projects to the Board for the allocation of funds. (2) The Fund Administrator shall ensure community feedback for approved projects.
<i>Reallocation of funds</i>	24. (1) The Fund Administrator may, in consultation with the relevant Committees, reallocate funds for a project which cannot be absorbed or utilized.

	(2) Such reallocation of funds shall be done based on the criteria for allocation of funds in section 18
--	--

PART V – GENERAL PROVISIONS

<i>Offences</i>	25. (1) An applicant who fails to give proper information or gives inaccurate or misleading information or falsifies information or misrepresents information required under these Regulations, commits an offence. (2) A public officer who- (a) Takes possession of the funds or assets of the Fund without lawful authority; (b) Misappropriates funds or assets of the Fund; (c) Causes any person to misappropriate or apply the funds otherwise than in the manner provided in these regulations; (d) Conceals information on the finances of the Fund to obtain a financial benefit either for the officer or another person; or (e) Engages in a corrupt act; that public officer commits an offence.
<i>Penalties</i>	26. A person who contravenes the provisions of Section 25 of these Regulations commits an offence and is liable to conviction in the penalty prescribed in the Public Finance Management Act, 2012.
<i>Protection from personal liability</i>	27. No thing done by a person exercising authority or power under these regulations shall, if the matter or thing was done or omitted in good faith, for the purpose of executing these regulations, be subjected to any action, suit, claim, or demand whatsoever.
<i>Grievance mechanism</i> <i>Redress</i>	28. The Executive Committee Member shall develop a climate change grievance redress mechanism for handling complaint arising from the administration of the Fund.
<i>Winding up of the Fund</i>	29. (1) The Executive Committee Member in charge of County Treasury shall prescribe the winding up procedure of the Fund (2) Upon winding up of the Fund, the cash balances shall be transferred to the account designated by the County Treasury while other assets of the Fund shall be transferred to the County Government.

<i>Guidelines</i>	30. The Executive Committee Member shall develop guidelines for the proper implementation of these Regulations and management of the Fund.
-------------------	--

Made on the..... day of 2025

.....

Paul M Musila,

County Executive Committee Member,

Department of Lands, Urban Planning and Development, Environment and Climate Change.