

(Turkana County Legislative Supplement No. 1)

LEGAL NOTICE NO. 1

THE PUBLIC FINANCE MANAGEMENT ACT

(No. 18 of 2012)

THE TURKANA COUNTY CLIMATE CHANGE ACT, 2021

(No. 4 of 2021)

THE PUBLIC FINANCE MANAGEMENT (TURKANA COUNTY CLIMATE
CHANGE FUND) REGULATIONS, 2021

IN EXERCISE of the powers conferred by Section 116 (1) and (9) of the Public Finance Management Act, 2012 and Section 55 (1) of the Turkana County Climate Change Act, 2021, the County Executive Member for Finance and Economic Planning, County Government of Turkana makes the following Regulations—

THE PUBLIC FINANCE MANAGEMENT (TURKANA COUNTY CLIMATE
CHANGE FUND) REGULATIONS, 2021

PART I—PRELIMINARY

Citation

1. These Regulations may be cited as the Public Finance Management (Turkana County Climate Change Fund) Regulations 2021.

Interpretation

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

“Act” means the Turkana County Climate Change Act, 2021;

“Board” means County Climate Change Fund Management Board established under Regulation 9;

“Climate change” has the same meaning assigned to it under Section 2 of the Climate Change Act, 2016;

“County Executive Member” means County Executive Committee Member for the time being in charge of Finance matters in the County and responsible for County Treasury;

“Financial year” means the period of twelve months ending on the 30th June each year;

“Fund” means the Turkana County Climate Change Fund established under the Act;

“Fund Administrator” means the person in charge of administering the County Climate Change Fund appointed under the Act;

“Steering Committee” means a County Climate Change Steering Committee established under the Act;

“Planning Committee” means the County Climate Change Planning Committee established to coordinate, collaborate, consolidate, sequence and plan for county climate change based on prescribed criteria;

“Ward” has the meaning assigned to it under Section 2 of the County Government Act of 2012;

“Ward Planning Committees” means the Ward Climate Change Planning Committees established to identify, prioritize and coordinate implementation of county climate change programmes and projects at ward level.

Objects

3. The object of these Regulations is—

- (a) to define the procedures for management, operation and winding up of the Fund;
- (b) planning of climate change response interventions to be funded by the Fund.

Principles

4. (1) The Fund shall be managed 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;
- (c) investing in public goods and structures to strengthen adaptation to climate change; and
- (d) principles of the principles of public finance set out in Chapter Twelve of the Constitution of Kenya, 2010.

PART II—ESTABLISHMENT AND MANAGEMENT OF THE COUNTY CLIMATE CHANGE FUND

Establishment of the Climate Change Fund

5. There is established a Fund known as the Turkana County Climate Change Fund.

Object and Purpose of the Fund

6. (1) The object and purpose of the Fund is to provide funding for climate change identified in the County Climate Change Policy, County Climate Change Action Plan, other climate related framework enacted within the County and for connected purposes.

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

- (a) climate resilience assessments;
- (b) administration of committees established by the Fund;
- (c) implementation of climate change response projects proposed by Ward Planning Committees and communities and approved by the Planning Committee;
- (d) priority county-level climate change response projects approved by the Planning Committee;
- (e) climate change research and knowledge management in the County;
- (f) public education, sensitization and awareness creation on climate change and its impacts;
- (g) capacity building for staff of the county and other stakeholders to effectively respond to climate change;

- (h) monitoring, evaluation, reporting and learning on climate change response in the county; and
- (i) any other projects, activities and interventions recommended by the Planning Committee and approved by the Steering Committee.

Sources of the Fund

7. The sources of the fund shall consist of—

- (a) monies appropriated by the County Assembly. The initial capital for the fund shall be not less than two percent of the County annual budget appropriated by the County Assembly;
- (b) monies appropriated by the County Assembly. The initial capital for the fund shall be not less than two percent of the County annual development budget appropriated by the County Assembly;
- (c) monies payable pursuant to the Public Finance Management Act or any other written law;
- (d) funds received from International Climate Finance (ICF) directly or through the prescribed national entities or other agencies;
- (e) funds received from donors, endowments, bequests, grants and gifts from local or foreign individuals, public and private entities;
- (f) funds raised by stakeholders and supporters;
- (g) fees and charges which are linked to climate change adaptation;
- (h) any monies that accrue to the Fund in any form, such as in the form of interests or other form of accruals; and
- (i) monies from any other source as approved by the County Executive Member.

Expenditure of the Fund

8. (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) 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.

Establishment of the County Climate Change Fund Management Board

9. There is established a County Climate Change Fund Management Board to manage the County Climate Change Fund.

Composition of the Board

10. (1) The Board shall comprise of—

- (a) the Chairperson appointed by the Governor with the approval of the County Assembly;
- (b) one person representing special needs groups;
- (c) the Director responsible for Disaster Management in the County;
- (d) Fund Administrator designated by the County Executive Officer Finance;

- (e) either one representative of the private sector in the County or one representative of Public Benefit Organizations operating within the County dealing with climate change matters; and
- (f) upon constitution of the Board, the members shall elect a Vice- chairperson.
- (2) The Board may co-opt not more than two members with relevant expertise on need basis, but the co-opted members shall have no voting powers.
- (3) The members in Regulation 10 (b) and (e) above shall be appointed by the County Executive Committee Member in Charge of Finance.
- (4) The members appointed under Regulation 10 (b) and (e) shall serve for a three (3) year term but shall be eligible for re- appointment for one more term.

Removal of Board members

- 11. (1) A member of the Board may resign from the Board by issuing one month's notice in writing to their appointing authority and a copy to the Board Chairperson.
- (2) A member of the Board may be removed from the Board on any one or a combination of the following grounds—
 - (a) failure to attend three consecutive meetings of the Board without reasonable cause duly communicated to the chairperson of the Board;
 - (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 Board by virtue of his or her office under shall cease to be a member of the Board upon being transferred from the County or ceasing to hold that office.
- (4) A person who is a member of the Board under Regulation 10 (c) shall cease to be a member of the Board upon ceasing to be a member of the interest group or upon being recalled by the interest group for a good cause and through a written communication from an authorized official of the interest group to the chairperson of the Board.
- (5) Whenever a member of the Board is removed or otherwise ceases to be a member of the Board, the replacement shall be appointed within thirty (30) days of the vacancy for the members appointed under 10 (b) and (e). For the members who are members by virtue of their office, the vacancy shall be filled by such other person as is for the time being performing the duties of that office.

Meetings of the Board

- 12. (1) The Board shall meet at least once every quarter in each financial year or when need be.
- (2) The quorum for meetings of the Board shall be two- thirds of the membership.
- (3) A resolution of the Board shall require an affirmative vote of more than 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 Board, and in the absence of both the chairperson and the vice-chairperson members in attendance shall elect one of them to chair the meeting.

Functions of the Board

13. The functions of the Board are—
- (a) to compile the projects approved by the Steering Committee;
 - (b) allocate resources for the various climate related projects, in line with the legal and constitutional requirements of equity;
 - (c) mainstream climate change projects, programmes and activities in county planning and budgeting, and ensure their approval and inclusion in the County Integrated Development Plan;
 - (d) manage the administrative costs of the fund including the costs of the meetings and sittings of the County Planning Committee and the Ward Planning Committees;
 - (e) monitor disbursements and oversee the execution of the Fund;
 - (f) provide essential links between the Steering Committee, the County Treasury and County Assembly with regard to management of the Fund;
 - (g) coordinate research for Climate Change Finance as well as and development of a climate finance research priority needs list for the County;
 - (h) be responsible for financing cross ward and cross county climate change programmes;
 - (i) assist the Steering Committee in developing the Climate Finance Framework;
 - (j) mobilize funds for Climate Change finance; and
 - (k) any other matter relevant functions to the execution of the Board's mandate.

Fund Administrator

14. There is a Fund Administrator who shall be designated by the County Executive Member to oversee the day-to-day operations of the Fund.

Qualification for appointment as a Fund Administrator

15. To qualify for appointment as a Fund Administrator, a person must—
- (a) possess a Bachelors degree in economics, business, finance, accounting or any other relevant field from a recognized university. A Masters Degree shall be an added advantage.
 - (b) have management experience for a period of not less than seven years;
 - (c) have relevant experience in any aspect of environment management or climate finance;
 - (d) meets the requirements of Chapter Six of the Constitution; and
 - (e) have had a distinguished career in their respective field.

Term of Office for Fund Administrator

16. The Fund Administrator shall hold office for a period of three years, on such terms and conditions as the appointing County Executive Committee Member may decide, and shall be eligible for re- appointment for a further such term of three (3) years.

Functions of the Fund Administrator

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

- (a) as agreed upon with the Board, consult with the Steering Committee and the County Executive Members in-charge of Treasury and Climate Change on all matters related to the administration of the Fund;
- (b) organize and coordinate the disbursement of moneys allocated to projects approved by the Steering Committee as compiled by the Board;
- (c) 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;
- (d) in liaison with the County Steering Committee, prepare a framework for receiving and evaluating project proposals and publish the eligibility criteria for formulation and selection of such projects by the County Steering Committee;
- (e) cause to be kept proper books of accounts and records on the operations of the Fund;
- (f) 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;
- (g) ensure that the accruals to the Fund are retained in the Fund unless the County Executive Member for the time being responsible for Finance directs otherwise;
- (h) prepare, sign and submit a statement of accounts in respect of each financial year for review by the Board and within three months after the end thereof transmit the same to the Auditor-General and the Steering Committee for consideration and approval;
- (i) provide such additional information as may be required for the purpose of examination and audit by the Controller of Budget and the Auditor-General;
- (j) prepare periodic reports on the financial and non-financial performance of the Fund and present the same for review by the Board and transmission to the Steering Committee for consideration and approval;
- (k) ensure compliance with decisions and recommendations of the Steering Committee and submit periodic reports on such compliance;
- (l) be the custodian of all accounts, assets, equipment and properties of the Fund; and
- (m) perform such other functions as may be assigned by the Steering Committee from time to time.

Removal of Fund Administrator

18. (1) The Fund Administrator may—

- (a) at any time resign from office by issuing one month's notice in writing to the appointing County Executive Committee Member.

- (b) be removed from office by the County Executive Member for the time being in charge of Finance on the recommendation of the Board on any one or a combination of the following grounds:
 - (i) serious violation of the Constitution or any other written law;
 - (ii) gross misconduct, whether in the performance of the functions of the office or otherwise;
 - (iii) physical or mental incapacity to perform the functions office;
 - (iv) incompetence; or
 - (v) bankruptcy.

Bank account of the Fund

19. (1) The County Executive Member for the time being responsible for finance, shall issue guidelines on banking arrangements of the Fund under the provisions of the Public Finance Management Act, 2012.

(2) There shall be only one designated bank account for the Fund, which shall be hosted by the County Treasury.

(3) The designated bank account shall —

- (a) be managed by the Fund Administrator in consultation with the County Executive Member.
- (b) have the following signatories—
 - (i) The Chairperson of the Board;
 - (ii) Chief Officer responsible for climate change; and
 - (iii) Fund Administrator.

(4) All the cheques for administrative expenses shall be signed by any two of the signatories, whereas cheques for projects shall be signed by all the signatories; provided that the Fund Administrator shall sign all cheques issued by the Fund.

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

Financial Reporting Procedures

20. The Fund Administrator shall, in consultation with the County Executive Member, 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 an effective monitoring and evaluation system for both inputs and outputs; and
- (f) ensuring that Fund financial management is subject to timely accounting, reporting and auditing by a qualified and independent auditor.

Management of the Operational Fund

21. The administration costs of the fund shall be a maximum of three percent (3%) of the approved budget of the Fund.

Allowances

22. (1) Members of the Board, Steering Committee, County Planning Committee and the Ward Planning Committee shall be paid allowances in accordance with Guidelines from the Salaries and Remuneration Commission.

Reallocation of funds

23. (1) The Fund Administrator may, in consultation with the Steering Committee, reallocate any funds allocated to a project which, for reasons communicated to the Steering Committee, 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 to other wards has been approved by the Steering Committee.

(3) A report of all budget reallocations in the County and/or ward shall be filed in the Project Fund Reallocation Form (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

24. (1) The Fund may be wound up at the recommendation of the County Executive Member in consultation with the Steering Committee, 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.

Planning and budgetary process

25. (1) Budget preparation process shall start at the Ward level through the Ward Planning Committees, based on approved County Integrated Development Plan, the County Climate Change Action Plan and guidelines issued by the Board.

(2) There shall be community participation process and the Ward Climate Change Planning Committees will facilitate communities to identify, prioritize, and cost the projects before submitting them to the County Planning Committee for review and recommendation for funding to the Steering Committee using the format as shown in Form C.

(3) The Ward Planning Committees shall use the set criteria for identification and ranking of projects for funding.

Consultative Community Meetings

26. (1) Prior to the commencement of the financial year, the County Planning Committee shall, in consultation with Ward Planning Committees, convene several consultative community meetings in selected locations for the purposes of—

- (a) creating public awareness about climate change response projects within the County;
- (b) providing information about the nature of County projects eligible for funding through the Fund; and
- (c) enabling communities to identify priority climate change response projects to be handled by the County Planning Committee.

(2) The County Planning Committee shall prepare and submit to the Steering Committee a report on community consultations held under Sub-regulation (1) as part of the project proposals for approval of funding.

Development of project proposals

27. (1) The County Planning Committee and each of the Ward Planning Committees shall, on the basis of priorities identified in the communities' consultations under Regulation 25 and 26, develop project proposals with procurement plans for each project.

(2) The Ward Planning Committees shall rank the projects in terms of priority, and present the list and the proposals to the County Planning Committee using Form D. The County Planning Committee shall then submit the approved ward projects and its own proposed projects, in rank of priority, to the Steering Committee for approval for funding.

Criteria for approval of projects

28. (1) In reviewing project proposals for funding, the County 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;
- (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 County 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

29. (1) The County Planning Committee shall review proposals from Ward Planning Committees, and make a decision thereon within Thirty (30) days from the date of receipt.

(2) The County 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 County Planning Committee.

(3) The Planning Committee may require that Ward Planning Committees appear before it to defend their proposals and answer questions from members during the proposal review process.

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

- (a) approve the project proposals;
- (b) reject the project proposals, giving reasons in writing;
- (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 (3) weeks of its submission.

PART III—PROCUREMENT AND SELECTION OF SERVICE PROVIDERS

Procurement and Hiring of professionals

30. (1) The Chief Officer for the time being responsible for climate change matters in the County shall facilitate the establishment of appropriate procurement systems and appointment of *ad hoc* procurement committees from time to time to undertake specific procurement needs for the climate change projects approved by the Steering Committee consistent with the requirements of the Section 121 of the Public Procurement and Asset Disposal Act, 2015.

(2) The Chief Officer shall liaise with the County Director of Procurement to facilitate capacity development on procurement procedures and systems for each established *ad hoc* committee.

(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.

Selection of service providers by the ad hoc procurement committees

31. (1) Once the County Planning Committee and the Steering Committee approve the projects, the *ad hoc* procurement committees shall use competitive public procurement processes in line with requirements of Public Procurement and Assets Disposal Act, 2015 to source service providers.

(2) The *ad hoc* procurement committees shall call for proposals and invitation for tenders following the set guidelines and regulations.

(3) The Tender Box shall be located and sealed in such a way as to prevent access by unauthorized persons and shall not be opened until after the due date specified the tender invitation.

(4) Applicants should submit two sets of completed tender documents, one detailing the technical requirements and the other providing the financial details of the quotation, in separate envelopes and delivered as detailed in invitations to tender.

(5) On the appointed day for Tender Opening, the relevant *ad hoc* procurement committee will, in the presence of tenderers who choose to attend, open the tenders and record the number and title of each document submitted and the Tender price.

(6) The relevant *ad hoc* procurement committee shall, after evaluation, endorse the best quote after which it will submit the completed tender evaluation form together with a Draft Service Provider Contract to the County Planning Committee.

(7) The County Planning Committee should examine the documents and if in order will offer the successful applicant a contract, file the original and send a copy to County Steering Committee, the relevant Ward Planning Committee and the Board for their records.

Allocation of Fund

32. (1) The allocation of County Climate Change Fund to the approved projects shall be done by the Board using agreed criteria.

(2) The County Planning Committee and the Ward Planning Committees shall at all times maintain a report of all the projects that have been approved, the selected service providers, the funds disbursed, the project progress and the funds utilized.

PART IV—DISBURSEMENT OF FUNDS

Planning and budgeting

33. (1) The Fund Administrator shall, prior to the commencement of each financial year—

- (a) prepare and circulate to the Steering Committee, the County Planning Committee and the Ward Planning Committees a list of funds available for climate adaptation and mitigation in the County to guide the 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 Steering Committee and the County Executive Committee Member.

(2) The information provided under Sub-regulation (1)(c) shall specify the funds approved and/or disbursed to the projects.

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

Disbursement of funds by the County Climate Change Fund management Board

34. (1) The Board shall facilitate the opening of one bank account for the County Planning Committee and for each of the beneficiary Ward Planning Committees in

commercial banks approved by the County Climate Change Fund Board, in compliance with any regulations issued by either the County or National Treasury.

(2) The bank accounts in Sub-regulation (1) above shall be for the disbursement of both the operating expenses (sitting allowances for committee members and other administrative expenses subject to Regulation 22).

(3) The designated bank account shall have the following signatories:

(a) Chairperson of the Committee;

(b) Secretary of the Committee; and

(c) one other member to be elected by the members of the committee.

(4) (4) All the Cheques for administrative expenses shall be signed by any two of the signatories, provided that the Chairperson shall sign all cheques issued by the Committees;

(5) Disbursements from the designated Fund account shall be made only through the approved commercial banks for the County Planning Committee and the beneficiary Ward Planning Committees.

(6) Any other monies received by the County Planning Committee and the beneficiary Ward Planning Committees from any other sources other than the Fund, shall only be received through the approved accounts and fully accounted for by the Committees to the Fund Administrator.

Disbursement of funds by County Planning Committee, Ward Planning Committees and the Board

35. (1) The County Planning Committee and each Ward Planning Committee shall monitor implementation of projects under its supervision and ensure the 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 and service providers will be supported by invoices from each of the suppliers based on the contract terms, a project progress report, in accordance with the implementation monitoring plan, and a written approval of payment from the Board.

(3) Payments in Sub-regulation (2) above shall be made only from the designated Bank Account of the Fund to the suppliers and service providers bank accounts provided or payment modes agreed upon in writing.

(4) Ward Planning Committees shall advise the County Planning Committee on the payments made and also submit monthly implementation reports in a pre-agreed format.

(5) The County Planning Committee shall submit reports on its payments and implementation progress, quarterly, together with the reports received from the Ward Planning Committees, to the Steering Committee and the Board in a pre-agreed format.

Projects implementation progress reports

36. (1) The County Planning Committee and Ward Planning Committees shall, through the County Planning Committee, submit to the Steering Committee quarterly reports on implementation of and financial expenditure of projects under their supervision.

(2) Ward Planning Committees shall prepare and submit to the County Planning Committee monthly financial reports with details of physical progress and financial expenditure on projects under their supervision, providing a comparison between the project implementation Schedule and the current status.

(3) The reports shall provide comparison between the project implementation schedule, current implementation status that is the physical progress and financial expenditure *vis-a-vis* the projected position as per plan, provide analysis and reasons for any variances between the two positions as annexed in Form A.

Allocation of funds to County Planning Committee and the Ward Planning Committees

37. In determining the allocation of funds to County Planning Committee and the Ward Planning Committees, the County Steering Committee 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 County.

Funds distribution

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

- (a) **three percent** provided for under Regulation 21 for administrative costs, further allocated in the following manner:
 - (i) ten per cent for administrative cost of the Board;
 - (ii) ten per cent for administrative cost of the Steering Committee;
 - (iii) twenty per cent for administrative costs of the Planning Committee; and
 - (iv) sixty per cent for administrative costs of Ward Planning Committees.
- (b) **twenty-seven per cent** from the Fund for countywide projects, further allocated in the following manner:
 - (i) ten per cent to Climate Change Awareness Creation activities;
 - (ii) twenty per cent to county-specific research and development; and
 - (iii) seventy per cent to countywide development projects.
- (c) **seventy per cent** from the Fund for projects proposed by Ward Planning Committees and approved by the Steering Committee.

Disbursement of funds for approved projects

39. (1) Upon the Steering Committee approving projects, the Fund Administrator shall publish a list of approved and ranked projects, together with the procurement plans for each project.

(2) Upon the conclusion of the procurement processes for the projects, the Fund Administrator shall proceed to release monies to approved projects according to the work plans submitted by the service providers subject to these regulations.

Authority limits for signing payments

40. (1) The Ward Climate Change Planning Committees shall only sign payments up to a limit of Kenya Shillings Five Hundred Thousand Only (KShs 500,000/=) quarterly for administrative expenses.

(2) Payment of amounts above this limit will require the approval of the Fund Administrator.

Reporting procedures

41. (1) In collaboration with County Treasury, the Board will put in place financial controls to ensure fiduciary standards are maintained in all County Climate Change Fund operations and achieve the desired transparency and accountability in order to—

- (a) promote regular accurate reporting of all financial transactions on climate change adaptation and mitigation;
- (b) ensure funds are disbursed efficiently to facilitate efficient and effective implementation of County Climate Change Fund projects to maximize on outputs and outcomes;
- (c) put in place effective monitoring and evaluation system for both inputs and outputs or results; and
- (d) ensure county climate change fund financial management is subject to timely accounting, reporting and auditing by a qualified and independent auditor.

Maintenance of records

42. (1) The Ward Planning Committees and the County Planning Committee shall maintain full and accurate records of their fund expenditures including—

- (a) all receipts in respect of every project and programmes;
- (b) all expenditures as documented by vouchers, original invoices and original signed receipts; and
- (c) relevant bank statements.

(2) In all cases, the Committees shall ensure all Fund documents together with supporting documents are protected and preserved.

Financial reporting

43. The Fund Administrator shall prepare and submit quarterly reports to the Board, for approval and onward submission to County Treasury and Steering Committee detailing—

- (a) programs and projects funded by or in partnership with county climate change fund;
- (b) any funds received from the designated sources;
- (c) disbursements by each of the supporting financing partners as well as total amount received;
- (d) funding status showing moneys disbursed for each of the projects by the County Planning Committee or ward Planning Committees; and
- (e) a summary of climate change finance activities in the County.

Accounts and audit of the Fund

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

(2) Within a period of 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) 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 laws relating to public audit.

Annual report

45. (1) At the end of each financial year, the Fund Administrator shall prepare annual performance report on the Fund, which on approval by the Board will be submitted to County Treasury not later than three months after the end of each financial year.

(2) Without limiting what may be included in the annual report, the annual report shall include—

- (a) the audited financial report of the Fund;
- (b) description of the activities of the Board;
- (c) such other statistical information as the Board may consider appropriate relating to the Board'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 Board;
- (f) such other information as the County Executive Member responsible for finance may direct; and
- (g) any other information relating to its functions that the Board considers necessary.

(3) The annual report shall be published and publicized in accordance with the applicable laws and regulations.

Complaints mechanism

46. (1) Any community member (s) who is aggrieved by the decision of the Ward Planning Committees on projects forwarded to the Planning Committee for funding may submit the complaint to the County Planning Committee.

(2) The Planning Committee shall make a determination on the complaint within a period of six weeks and submit a report to the Steering Committee with a copy to the subject Ward Planning Committee, and communicate the determination to the complainant in writing.

(3) Where a complainant is aggrieved by the decision of the County Planning Committee, they may appeal to the Steering Committee for determination within Four (4) weeks of receipt of the decision in writing from the County Planning Committee.

(5) The County Planning Committee and the Steering Committee may develop guidelines for processing of complaints.

PART V—MISCELLANEOUS PROVISIONS

Declaration of interest by Committee Member

47. (1) A member of the Board, the Steering Committee, the County Planning Committee or the Ward Planning Committees who has an interest in any business before the Committee and is present at the meeting shall as soon as it is reasonably practicable, declare his/her interest and shall thereupon be excused from the meeting and not take part in the consideration or discussion of, or vote on the matter.

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

(3) A member of the Board, the Steering Committee, the County Planning Committee or the Ward Planning Committees who contravenes sub regulation (1) shall have his/her membership of the Committee suspended or, in case of gross breach, terminated forthwith upon the direction of the appointing Authority or the Board.

(4) Where a member is removed from a Committee under sub- regulation (3), the relevant appointing authority shall make arrangements for replacement as soon as practicable.

Amendment to Regulations

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

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



TURKANA COUNTY GOVERNMENT

FORM A

SUMMARY SHEET FOR COUNTY CLIMATE CHANGE FUND PROJECT IMPLEMENTATION (ON-GOING PROJECTS)

Financial year

Ward Name.....

Type of Project	Project Location (Sub county/Ward)	Estimated total Cost	Amount allocated	Expenditure to date	Variance				
					Q 1	Q 2	Q 3	Q 4	Total

Reasons for variance:

.....

.....

.....

.....



TURKANA COUNTY GOVERNMENT

FORM B:

PROJECT FUND RE-ALLOCATION REPORT

Ward Name.....

Financial Year

<i>Project No.</i>	<i>Project Location</i>	<i>Amount Allocated (Kshs)</i>	<i>Amount Disbursed (Kshs)</i>	<i>Balance (Kshs)</i>	<i>Unspent to be Re-Allocated</i>

Reasons for re-allocation:

Signature.....

Date

Name

Position.....



TURKANA COUNTY GOVERNMENT

FORM C:

DETAILS OF PROPOSED PROJECTS

(Summary of proposed project)

<i>No</i>	<i>Project Name</i>	<i>Ward</i>	<i>Ranking</i>	<i>Estimated Cost</i>
Grand total, All Proposals				



TURKANA COUNTY GOVERNMENT

FORM D:

COMMUNITY PRIORITY PROJECTS NOTIFICATION FORM

Financial Year

(Cost in Shillings unless otherwise advised)

Ward Name.....

<i>Project title and location</i>	
1. Project Priority Rank	
1.1. Short Description and target beneficiaries	
1.2. Justification	
1.3. Description of proposed measures	
2. <i>Project Costs</i>	
2.1. Pre-construction costs	
2.2. Construction Cost	
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	
<i>Total Estimated costs (for the year)</i>	
3. <i>Sources of Finance</i>	
3.1. Development Costs	
3.2. Operations and maintenance costs	
4. <i>Staffing and Maintenance Arrangements</i>	
5. <i>Relationship with other Projects</i>	
6. Project timeframe: (period of implementation)	

Made on the 12th November, 2021.

EMATHE NAMUAR,
County Executive Committee Member,
Finance & Economic Planning.