

CHAPTER 47

ENUGU STATE COMMUNITY (DEVELOPMENT)

CO-ORDINATING COUNCIL LAW

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CHAPTER 47

ENUGU STATE COMMUNITY (DEVELOPMENT) CO-ORDINATING

E N S L/2007
No 7

COUNCIL LAW

A Law to make provisions for the establishment, structure, composition, finance, operations and management of the Enugu State Community (Development) Co-ordinating Council programme.

[1st January 2001]

1. This Law may be cited as the Enugu Community (Development) Co-ordinating Council Law.

Short title:

interpretation.

2. (1) In this law. -

“Committee” means the State Co-ordinating Committee

Community” means n group of people living in one plate, locality or district and duly recognized as an autonomous community by the State Government

"Community (Development) Council (CSC)" means the Project Management Committee at the community level as established by Section 3 of this Law,

"Co-ordinator" means the Chief Executive of the Community (Development) Co-ordinating Council

"Council" means the Community (Development) Council.

(Development) Co-ordinating Council” means the Community (Development) Co-ordinating Council established by section 10.

"Governor*" means the Governor of Enugu State.

"House of Assembly” means the Enugu State House of Assembly.

"member" includes the Co-ordinator of the Council, Chairman and members of the Community Development Council (CDC), the {Development) Co-ordinating Council and the State Co-ordinating Committee, as the case may b

"Operational Guidelines" means a reference handbook to guide the implementation of the Project issued by the (Development) Co-ordinating Council and approved by the Governor.

"Project" means a piece of work or activity that is organised to improve the condition of the poor.

“Social fund” means a pool of resources from which a project can he financed

“Stakeholder" means a person or organisation that has shares or interest in any project under this Law

“State” means Enugu State of Nigeria-

PART II —ESTABLISHMENT AND OPERATIONS OF THE COMMUNITY DEVELOPMENT COUNCIL

3. (I) There shall be established for each Community in the State, the body to be known as Community Development Council which shall be a body corporate with perpetual succession and a common seal and shall have power to sue and be sued in its corporate name, the Community Development Council of each community shall comprise the following'

—

(a) President of the town Union:

(b) Secretary-General of the Town Union:

(c) Principal(s) and headmaster(s) of public schools in the community who are resident therein;

(d) two representatives of women organisations in the community

(e) one representative of youth organisation in the Community

(f) two representatives of religious organisations in the community

(g) head of the vigilante of the community as may be approved by the town Union.

(h)the councilors representing the Community at the local government Council.

(i)a representative of the igwe-in-Council

(J) a representative of each of the Village or Quarters which make -up the community

The persons who are appointed under paragraphs (d-f) above are to be approved by the group or organisation they represent

- (2) The members of the Council under subsection (1) (a)-(c) of this section are *ex-officio* members while every other member shall hold office at the pleasure of the group or organisation he represents

4(1) The Council shall have a chairman, Vice-Chairman, Secretary, Assistant Secretary, Financial Secretary and Treasurer; who shall be elected by the members of the Council from among themselves

Offices
of the
council

- (2) The tenure of office of officers of the Council shall be two years

- (3) Notwithstanding the provisions of subsection (2) of this section, every officer of the Council shall vacate his office —

(a) if he ceases to be a member of the Council, otherwise than by reason of the expiration of the tenure of the officers

(b) when the Council first sits after any expiration of the tenure of the officers

(c) if he is removed from office by a resolution of the council by the votes of not less than two-thirds majority of the members of the Council

5(1) The Chairman shall be the Chief Executive of the Council and shall in that capacity

—

- (a) direct the Secretary to summon all meetings of the Council;
- (b) preside at all meetings of the Council;
- (c) be a signatory to the Council's account.
- (a) have a casting vote whenever there is a tie

- (2) The Vice-Chairman shall preside over meetings in the absence of the Chairman and

Function of
the council
officers

carry out such other functions as may be directed by the Chairman.

(3) The Secretary of the Council shall —

- (a) conduct all correspondence of the council and keep records of such correspondences.
- (b) record and keep a book provided for that purpose, the proceedings of the meetings of the council.
- (c) perform such other duties of administrative or other character as the council may assign to him

(4) The Assistant-Secretary shall assist the Secretary in the discharge of his functions and deputize for him in his absence

(5) The Financial Secretary shall —

- (a) maintain all financial records of the Council.
- (b) keep custody of all financial documents and produce all financial reports of the Council.

(6) The Treasurer shall —

- (a) keep custody of all monies of the Council,
- (b) ensure that every money collected is accounted for to the Council.
- (c) ensure that all monies received by him on behalf of the Council are deposited in the Council's bank account within

24 hours of such receipt or as soon as is practicable;

- (d) issue receipts for all monies received as donation, levy or materials received in kind;

6. For the effectual carrying out of its functions under this law, the Council may, with the approval of the (Development) Co-ordinating Council, employ such other staff, and assign to them such general or specific duties as it may consider fit

Staff of

7 The quorum of the Council shall be one-half of all the members of the council

Quorum

8 The functions of the Council shall be —

Function of the council

- (a) to identify, and co-ordinate such projects as are intended or proposed for execution in the community having regard to the felt needs and priorities of the community. subject to the provisions of this Law;
- (b) to encourage each interest group in the community to initiate and execute viable projects which shall be of benefit to all residents of the community,
- (c) to make appeals for donation CFT contributions in money or in kind, from time to time as the occasion demands, from persons or bodies within or outside the community to support the projects;
- (d) to establish and maintain a project bank account, records, and account of the collection and its other activities.
- (e) generally to identify the priority requirement of the community in terms of basic infrastructure and advise the (Development) Co-ordinating Council accordingly

- (f) to prepare budget and annual work plans and oversee all procurement and financial matters of the council;
- (g) to establish an office and employ, subject to the approval of the (Development) Co-ordinating Council such other staff as are required for the efficient discharge of the functions of the Council;
- (h) to implement in collaboration with the (Development) Co-ordinating Council the project-' that are initiated by the Council and (e)approved by the (Development) Co-ordinating Council
- (i) to be responsible for the execution of all approved projects under this Law;
- (j) to evolve a plan for the sustainable maintenance of all projects executed under this Law

9. The State Local Government Service Commission and any local Government may release on secondment to any Council such person in the Local Government Service of the State for such term and conditions as the State Local Government Service Commission may approve

PART III —ESTABLISHMENT AND OPERATIONAL, CHARACTERISTICS OF THE COMMUNITY (DEVELOPMENT) CO- ORDINATING COUNCIL

10 (1) There is hereby established for the State an agency for poverty eradication specifically designed to improve the socio-economic conditions of rural populace through the provision of basic infrastructure, to be known as the Community (Development) Co-ordinating Council.

(2) The community (Development) Co-ordinating council which shall be

Appointment
of seconded
officers

Establishment
of community
(Development)
Co-ordinating
Council

autonomous will serve as the administrative organ and the co-ordinating resource base for small-scale or micro-project funding in rural communities and shall be a body corporate with perpetual succession and a common seal, and may be sue and sued in its corporate name

11 the Community (Development) Co-ordinating Council shall have the following operational characteristics—

- (a) it shall adopt a demand driven approach in selecting projects to be approved for execution from among those proposed and already identified by the beneficiary Councils,
- (b) it shall support and facilitate the efforts of local communities, and ensure the provision of expertise in project implementation and management for communities that lack the skill or know-how to act alone,
- (c) it shall have an independent procurement and disbursement procedure and a separate transparent management and financial system;

12 The aims and objectives of the Community (Development) Co-ordinating Council are

- (a) to improve the socio-economic conditions of the rural communities through targeted, cost-effective, demand driven and promptly delivered development programmes;
- (b) to stimulate the capacity of the rural communities by increasing their participation in decision making and mobilizing their talents for community development projects while ensuring that appropriate mechanisms are in place to encourage and sustain community participation even after project completion.
- (c) to create community-based development projects which will be directly beneficial to the rural populace through investments in socio-

Aims and
objectives

economic infrastructure;

(d) empower the poor to help themselves on a sustainable basis through the strengthening of appropriate local institutions and the provision of micro-finance to help stimulate appropriate economic activities in various communities.

(e) to provide opportunities for the training the community-based business operators;

13. For the purposes of achieving its aims and objectives and carrying out its functions under this law, the Community (Development) Coordinating Council shall establish the following departments: that is .to say —

(a) Administration;

(b) Accounts,

(c) Rural and Small Business Support;

(d) Project Management Monitoring and Evaluation;

(e) Management information service; and

(f) such other departments as may be approved by the Committee shall be —

(a) to formulate policies and articulate strategies for the effective implementation of programmes geared towards poverty eradication in the State;

(b) to appraise Development Need Identification Forms submitted by communities against the eligibility criteria spell out in the

operational guidelines to determine those projects to support or reject;

- (c) to disburse funds provided to it by donors. State and Local Governments in support of Poverty Eradication to the beneficiary communities,
- (d) to carry out such public enlightenment and mobilization programmes which are geared towards effective participation of communities in poverty eradication projects.
- (e) to render advisory services and support to local communities, government individuals and organisations in project implementation and management where necessary;
- (f) to carry out research studies and such other capacity building programmes aimed at improving the performance and impact of poverty eradication projects;
- (g) to prepare and submit to State Economic Planning Commission a consolidated annual budget and work plans of the (Development) Co-ordinating Council and submit quarterly reports on financial expenditure;
- (h) to supervise, monitor and evaluate the implementation of poverty eradication programmes in the State;
- (i) to ensure that regular progress reports are submitted to the appropriate authorities (j) to ensure an annual auditing of the accounts of the Community (Development) Co-ordinating Council under this Law;
- (k) to liaise with the State Ministries, Departments, Local Governments, statutory bodies, research agencies, organisations and communities to ensure effective implementation of projects under this Law;
- (l) to initiate appropriate policy action on the impact and measures aimed at

combating poverty in the State;

- (m) to perform any other functions, as may be assigned to the Community (Development) Co-ordinating Council by the Governor.

BART IV—THE ESTABLISHMENT AND PROCEEDINGS OF THE STATE CO-ORDINATING COMMITTEE.

15. There shall be a State Co-ordinating Committee which shall be the policy making body of the Community (Development) Co-ordinating Council and shall consist of the following —

- (a) a Chairman who shall be appointed by the Governor from the private sector:
- (b) the State Co-ordinator.
- (c) two representatives of non-Governmental organizations as may be approved by the Governor

Establishment of
State Co-
ordinating

- (d) two representatives of Religious Organisations as may be approved by the Governor;
- (f) one representative each of the Ministries of Health, Finance, Works, Local Government and Chieftaincy Matters and Rural Development
- i. Local Government Chairman to be appointed by the Governor from the Local Government Councils in each of the senatorial zones in the State to serve in rotation for one year;
- ii. representatives of women organisations (one per senatorial zone) as may be approved by the Governor,
- iii. not more than three other members who in the opinion of the Governor are of unquestionable integrity and one of whom shall be appointed from the private sector,

16- The functions of the State Co-ordinating Committee shall be —

- (a) to provide overall policy direction in the management of the Community Development Co-ordinating Council; Function of state Co-ordinating
- (b) to provide guidance in the interpretation of government sectoral policies;
- (c) to approve annual work plans or budgets of the Community - Development Co-ordinating Council;
- (d) to ensure appropriate monitoring of project implementation under this Law;
- (e) to ensure that relevant reports are submitted to the State Economic Planning Commission, Local Government, National Planning Commission and Donor Agencies as at and when due

17. (1) The Chairman shall preside at all meetings of the Committee but if he is absent from the meeting, the vice chairman shall preside.

2) The meetings of the Committee shall be held at such times and in such place or places as the Chairman may direct, so however that such meetings shall be held at least six times in any year.

(3) Whereupon any special occasion the Committee desires to obtain the advice of any person on any particular matter, the Committee may coopt such a person to be a member for such meetings as may be required and such a person whilst so co-opted shall have all the

rights and privileges of a member save the right to vote on any issue

- 4) At any meeting of the Committee, members constituting a half of its total membership shall form a quorum
- 5) Any decision of the Committee shall require the concurrence of a majority' of the members present and voting at the meeting in which the decision is taken. But in the event of any equal division of the votes the Chairman shall have a second or casting vote.
- 6) Subject to the provisions of this Law the Committee may make standing orders for the purposes of regulating its proceedings and that of any sub-committee app tinted by it.

Remuneration

18. Members of the Committee shall be paid such remuneration and allowances, as may be approved by the Governor.

- Tenure of Office

19 (1) Subject to the provisions of this Law members of the Committee, excluding the *ex-officio* members shall hold office for a term of 3 years in the first instance, and such appointment may be subject to renewal for another term of three years only.

(2) Notwithstanding the provisions of sub-section (I) of this section, a member of the Committee shall cease to hold office if —

- f. he becomes of unsound mind;
- (g) he becomes bankrupt,
- (h) he is convicted of a felony or any offence involving dishonesty.
- i. he is guilty of serious misconduct in relation to his duties;
- j. he resigns his appointment by a letter signed by him and addressed to the Governor.

(3) A member of the Committee originally appointed by the Governor may be removed from office by the Governor if he is satisfied that it is not in the public interest or that of fee programme that such member continues in office.

(4) Where a vacancy occurs in fee membership of fee Committee, the Governor shall appoint another member and fill the vacancy.

20. The Committee shall not later than 3 months immediately proceeding the beginning of each year submit to the Governor a report on the activities and the administration of the programme during the immediately preceding year and shall include in such report audited

Annual reportt

accounts of the programme and fee auditor's report thereon.

PARI V.— APPOINTMENT AND DUTIES OF THE STATE CO-ORDINATOR

21. (1) There shall be a State Co-ordinator of the Community (Development) Co-ordinating Council under this Law who shall be appointed by the Governor and shall be the Chief Executive of the Development Co-ordinating Council.

Appointment of
state Co-
ordinator

22. The Co-ordinator shall hold office for a term of four years in the first instance and such may be subject to renewal for another term of four years only.

(2) The Coordinator shall be entitled to such remuneration and other allowances as may be prescribed by law or by resolution of the House of Assembly of the State

(3) In this part. "Council¹" means the community (Development) Coordinating Council

Duties of State
Co-ordinator

23. *The Co-Ordinator shall —*

- (a) carry out the day to day running of the Community (Development) Coordinating Council;
- (b) authorize expenditure in accordance with the approved work plan and annual budget of the Community work plan and annual budget of the Community (Development) Co-ordinating Council.
- (c) represent the Council in all dealings with third parties or external bodies;
- (e) liaise with donor agencies and others capable of providing complementary technical and administrative skills and financial resources to the said Council to support the programme.
- (e) co-ordinate all the Councils' activities including work plan and annual budget and ensure the maintenance of accurate accounting records;
- (f) delegate authority to staff of the Council to the extent necessary for the efficient performance of their functions.
- (g) be the Chief Accounting Officer of the Council;
- (h) manage the staff of the Council, and recommend to the Committee, subject to the approval of the Governor, the recruitment and discipline of the

staff of the Council;

a)

(i) represent Council at national and International fora;

(j) carry out such other duties as may be assigned to him by the Committee for the effective functioning of the Council.

24. The power to exercise disciplinary control over the State Coordinator shall be vested in the Committee in consultation with the Government and donor agencies.

Disciplinary
control over Co-
ordinator

24 The terms and conditions of service of the staff of the Community (Development) Co-ordinating Council shall be as prescribed by law

Conditions of
service of
staff

25. The Community Development Officers of Local Government Councils- shall act as Liaise Officers between the Community (Development) Co-ordinating Council and Local Government Councils for purposes of project monitoring.

Project
monitoring

PART VI — FINANCIAL PROVISIONS

26 (1) Subject to the provisions of this Law, the Councils shall be self- accounting. The funds for the implementation of projects shall be raised by contribution from the State Government, Local Governments, donor agencies and the communities.

Counterpart
funds

(2) Subject to the approval of the Committee, counterpart funding between the State, Local Governments and communities, shall be in the ratio of—

State	Government	50%	Local
Government	-	25%	Community'
		25%	

27. Each beneficiary community shall have a project account into which shall be paid that part of the special funds established for the community projects such as —

- (a) the proceeds of collections made from the community;
- (b) any grant or subsidies made by the Government specifically for any project;
- (c) such money as may be donated or contributed for the purpose of a project by other organizations, persons or bodies for that community,
- (d) such other monies as may accrue to the community from any other source.

28. The source of Funds for the Community (Development) Coordinating Council shall consist of annual budgetary allocations made to the Council by the Government of the State and grants from donor agencies or tiny other Government in or outside Nigeria;

29. (1) The Council shall establish and maintain separate accounts from which shall be defrayed all expenditure, incurred by the Council other than such expenditure incurred on projects under this law.

(2) There shall be paid and credited to the Account mentioned in sub-section (1) of this section such payments made to the Council by the Government, for the running of expenses of the Council from time to time

30. (1) All funds received by the Council shall be applied in accordance with the conditions attached to their release and shall follow the provisions contained in the operational guidelines.

(2) The Council shall maintain proper and appropriate system of accounts for the purpose of ensuring proper accountability,

(3) The Council shall prepare, in respect of each financial year, necessary statements of accounts in such forms as may be appropriate and approved by the Governor on the advice of the donor;

31. (1) The accounts of the Council for each year shall be audited by the State Auditor-General.

(2) As soon as the accounts have been audited as provided for by sub-section (1) of this section, the Co-ordinator shall forward to the Governor, the State House of Assembly and to any relevant donor/stakeholder, a copy of the Income and Expenditure Account and the Balance Sheet together with the report of the auditors thereon in line with the funding sources.

PART VII— GENERAL

32. (1) Subject to the provisions of this Law, the Governor may give to the committee such directives of a general nature with regard to the exercise by the Committee of its function and the objectives of the programme under this Law and it shall be the duty of the Committee to comply with such directives.

(2) The Governor may make such regulations as he deems necessary or expedient for giving full effect to the provisions of this Law, provided that they are not inconsistent with any of the provisions of this Law

33. The Co-Ordinator shall at the end of each year make a report of the Community

Powers of th
Governor to
give directiv

Application of
Funds

Rendition of
Annual Progress
Report

(Development) Co-ordinating Council's achievement and activities available to the Governor or the State House of Assembly and to other stakeholders as may be appropriate,

34 For the purpose of enhancing its services under this Law, the Community (Development) Coordinating Council may—

- (a) maintain and sustain programme as of technical assistance to bodies concerned with the implementation of poverty eradication schemes in the state;
- (b) establish and promote having programmes for all staff and directors of the councils in order to build their capacities;
- (c) collect, collaborate and make available through publishing and other means, basis scientific data and other information on poverty eradication.

Rates

35 A Council may, by resolution make and levy a general rate or a special rate for purposes of raising revenue for special projects.

36 (1) Notice of any rate shall be given by the Council within ten days after publication of the passing of the resolution thereon and the notice shall be in such manner as the Council may resolve. Publication of Rates 'er to rem

(2) The rate shall be paid at the office of the Council concerned or at such other place, at such time and in such manner as the Council may from time to time specify

37 (1) A Council may reduce or remit the payment of a rate on account of the poverty of a person liable for its payment.

(2) Subject to approval of the community (Development) Co-ordinating

Offences

38. Any person who obstructs any officer or staff of the Community (Development) Coordinating Council, or the Council or any person authorized by them or any person engaged in carrying out the provisions of this Law shall be guilty of an offence, and on conviction shall be liable to a fine of five thousand naira or to imprisonment of six months or to both such fine and imprisonment.

Additional
duties of
Council

39. (1) A person who without lawful justification or excuse, refuses or neglects to pay a rate payable by him under this Law on or before the date on which it is payable, is guilty of an offence and is liable to a fine of five thousand naira or imprisonment for six months or to both such fine and imprisonment.

(2) The Council is by this Law empowered to use conventional communal means to ensure compliance at the expiration of 90 days, if the use of the conventional means fails, the offender is guilty of an offence and liable on conviction to imprisonment for a period of six months or a fine of five thousand naira in addition to the rate.

(3) A person who—

- (a) without lawful justification or excuse, incites a person to refuse to pay a rate payable by him under this law or
- (b) incites or assists a person to misrepresent in any way his ratable capacity, is guilty of an offence and liable on conviction to imprisonment for six months or a fine of a five thousand naira.

Jurisdiction
try offences

40 Notwithstanding, any provisions in any other law. a magistrate's court shall have jurisdiction to try any person who commits any offence under this Law.

41. No suit shall be commenced against a Council or Development Co-ordinating Council until one month at least after written notice of intention to commence the same has been served upon it by the intending plaintiff or his agent.

42. The notice referred to in section 41 and any summons, notice or other document required or authorised to be served on a Council or the Community (Development) Co-ordinating Council shall be served by delivering the same to. or by sending it by registered post addressed, to the Chairman of the Council or the State Co-ordinator of the Department Co-ordinating Council as the case may be at the principal office of the Council or Community (Development) Co-ordinating Council. Provided that the court may. with regard to any particular suit or document, order service on the Council to be effected in some other and in that event, service shall be effected in accordance with the terms of that order

43 In any proceedings instituted by or against a Council or the Community (Development) Co-ordinating Council it shall not be necessary to prove the corporate name of the Council or the Community (Development) Co-ordinating Council or the constitution and limits of its area.

Name if Council
etc need not be
proved

44 (1) Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not be required to be under seal may be entered into or executed on behalf of a Council or the Community (Development) Co-ordinating Council by any person generally or specifically authorised by such Council or the Community (Development) Co-ordinating Council for that purpose,

Instruments
executed or issued
by council etc

(2) Any document purporting to be a document duly executed or issued under the seal of a Council or the Community (Development) co-ordinating Council or on behalf of such council shall, unless the contrary is proved, be deemed to be a document so executed issued, as the case may be.