

2000 - LOCAL GOVERNMENT SYSTEM, ESTABLISHMENT AND ADMINISTRATION OF LOCAL GOVERNMENT COUNCILS LAW

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[10th March, 2000]

A Law to provide for Local Government System, Establishment and Administration of "Local

Government Councils and Matters incidental thereto.

BE IT ENACTED by the House of Assembly of Adamawa State of Nigeria and by the authority of the same as follows:–

PART 1 – LOCAL GOVERNMENT SYSTEM, ESTABLISHMENT AND ADMINISTRATION OF LOCAL GOVERNMENT COUNCILS

1. This law may be cited as the Adamawa State Local Government establishment and Administration law 2000 and shall come into operation on the 10th day of March, 2000.

2. In this law, unless the context otherwise requires –

“appointment” includes appointment to an office, confirmation of appointment, promotion or transfer;

"Chairman or Vice-Chairman" when used with reference to a Local Government means the Chairman or Vice Chairman of the Local Government;

"Electoral Commission" means the state Independent Electoral Commission;

"Government" includes the Government of the State or of a Local Government Area within the State or any person or organ exercising power or authority on its behalf;

"House of Assembly" means the State House of Assembly;

"National Assembly" –means the Senate and House of Representatives.

3. (1) There shall be 21 Local Government Areas in the State as specified in the Constitution of the Federal Republic of Nigeria 1999.

(2) Each Local Government Area shall have its head quarters in the place named in the third column of the first schedule to this law.

4. (1) The system of Local Government shall be by democratically elected Local Government.

(2) All persons holding offices in the Local Government Areas specified in the first schedule to this Law shall, from the date of the coming into force of this Law, be deemed to have been duly and validly elected under this law.

(3) It shall be the duty of Local Government within the State to participate in economic planning and development of the State.

5. (1) Subject to the provisions of the Independent National Electoral Commission Act,

1998, the State Electoral Commission shall divide each Local Government Area into such number of wards, not being less than 10 or more than 20, as the circumstances of each Local Government may require.

(2) The boundaries of each ward shall be such that the number of inhabitants of the ward is nearly equal to the population quota of the ward as is reasonably practicable

(3) The Electoral Commission shall review the division of every Local Government into wards at intervals of not less than 10 years and may alter such wards in accordance with the provision of this section to such extent as it may consider desirable.

6. There shall be a Local Government Council (in this law referred to as the Council") for each Local Government Area of the State and the Council shall consist of Councilors elected from every ward in the Local Government.

7. (1) There shall be a Leader and Deputy Leader of the Council who shall be elected by the Councilors of the Local Government Council among themselves.

(2) The Leader or Deputy Leader of the Council shall vacate his office-

- (a) if he ceases to be a Councilor in the Local Government;
- (b) when the Council first sits after any dissolution of the Council; or
- (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 Councilors in the Council.

8. There shall be a council Clerk to the Local Government staff of Local Government Council and such other staff as may be appointed by the Local Government Service Board.

9. (1) The Council shall sit for a period of not less than 90 days in a year. "

(2) At any sitting of the Council the Leader shall preside and in his absence the Deputy Leader shall preside.

(3) In the absence of both the Leader and Deputy Leader any other member of the Council as may be elected for that purpose by the Councilors may preside,

10. The quorum of the Council shall be one half of all the members of the Council.

11. Except as otherwise provided by this law a question proposed for decision in the Council shall be determined by a simple majority of the members present and voting, and the person presiding shall have a casting vote whenever to void an equality of votes.

12. Subject to the provision of this law, the Council shall regulate its own proceedings.

13. (1) A Local Government Council may appoint a committees of its members for any special or general purpose as in it's opinion could be better regulated and managed by means of such committee and may by resolution, regulation or otherwise as it thinks fit delegate any function exercisable by it to any such committee.

(2) The number of members of a Committee appointed under this Section, their term of office and quorum shall be fixed by the Council.

(3) Nothing in this Section shall be construed as authorizing a Local Government Council to delegate to a Committee the power to decide whether a Bill shall be passed on to be a Bye-Law or to determine any matter which is empowered to determined by resolution under the provisions of this law but such a; Committee of the Council may be authorised to make recommendations to the Council on any such matter.

14. (1) The Council shall stand dissolved at the expiration of 3 years commencing from the date when the Councilors take and subscribe to their Oath of membership.

(2) Subject to the provisions of this law, the person elected Chairman of a Local Government shall have power to issue a proclamation for the holding of the first session of the Council of the Local Government concerned immediately after his being sworn in or for its dissolution as provided in this Section.

PART II – CHAIRMAN, VICE CHAIRMAN AND OTHER OFFICERS OF THE LOCAL GOVERNMENT

15. There shall be for each Local Government Council, a Chairman and a Vice Chairman.

16. A person shall be qualified to hold the office of Chairman if:-

- (a) he is a citizen of Nigeria;
- (b) he has attained the age of 30 years;
- (c) he is educated up to at least School Certificate level or its equivalent; and
- (d) he is a member of a political party and sponsored by the party

17. (1) A person shall not be qualified to hold the office of Chairman if:-

- (a) he has voluntarily acquired the citizenship of a country other than Nigeria or,

except in such cases as may be prescribed by the National Assembly, as the case may be, he has made a declaration of allegiance to such other country; dissolution of the Council; or

(b) under any law in force in any part of Nigeria he is adjudged to be a lunatic or otherwise declared to be of unsound mind;

(c) he is under a sentence of death imposed on him by any court of law or Tribunal in Nigeria or a Sentence of imprisonment for an offence involving dishonesty or fraud imposed on him by such court or substituted by a competent authority for any other sentence imposed on him by such a court;

(d) he has been found guilty of contravention of Code of Conduct under the Code of Conduct for public officers in the fifth schedule to the Constitution of the Federal Republic of Nigeria 1999;

(e) he is a person employed in the public service or civil service of the Federation or of any State, or of any Local Government Council, withdrawn or retired from such employment 30 days before the date of election;

(f) he is an undischarged bankrupt having been adjudged or otherwise declared bankrupt under any law in force in any part of Nigeria;

(g) he is a member of a Secret Society;

(h) he has been indicted for embezzlement or fraud by a Judicial Commission of Inquiry or Tribunal under the Tribunals of Inquiry Act or any other law set up by the Federal, State or Local Government.

(2) Where in respect of any person who has been –

(a) adjudged to be a lunatic; or

(b) declared to be of unsound mind; or

(c) sentenced to death or imprisonment; or

(d) adjudged or declared bankrupt,

an appeal against the decision is pending in a court of law in accordance with a law in Nigeria, Sub-section (1) of this Section shall not apply during a period beginning from the date when the appeal is finally determined or as the case may be the appeal lapses or is abandoned, whichever is earlier

(3) A Chairman shall not hold any other executive office or paid employment in any capacity whatsoever during his tenure of office.

(4) For the purposes of subsection (2) of this section "appeal" includes any application

for an injunction or an order of certiorari, mandamus, prohibition or habeas corpus, or an appeal from any such application.

18. A person elected to the office of Chairman shall not begin to perform the functions of that office until and unless he has declared his assets and liabilities as prescribed by the Code of Conduct for public officers in the fifth schedule to the Constitution of the Federal Republic of Nigeria 1999 and has subsequently taken and subscribed before the Chief Judge or a Judge of the High Court of the State, the Oath of Allegiance and the Oath of Office as prescribed in the schedule to this law.

19. (1) A person shall not be deemed to have been validly nominated as a candidate for the office of a Chairman of a Local Government unless he nominates another candidate as his associate running for the office of Chairman who is to occupy the office of Vice Chairman and that candidate shall be deemed to have been duly elected to the office of Vice-Chairman if the candidate who nominated him is duly elected as Chairman.

(2) The provisions of this law relating to qualification as for elections tenure of office, disqualifications, declaration of assets and liabilities and oaths of Chairman shall apply in relation to the office of the Vice Chairman as if references to Chairman were to Vice-Chairman.

20. (1) The Chairman or Vice-Chairman may be removed from office in accordance with the provisions of this Section.

(2) When the holder of the office acts in any way as to amount to misconduct in the performance of the function of his office, a notice in writing signed by not less than one-half of the Council stating the misconduct, detailed particulars of which shall be specified is presented to the Secretary to the Local Government.

(3) The Secretary to the Local Government shall, within 7 days of the notice, cause a copy of the notice to be served on the holder of the office and on each member of the Council and shall also cause any statement made in reply to the allegation by the holder of the office to be served on each member of the Council

(4) Within 14 days of the presentation of the notice, (whether or not any statement was made by the holder of the office in reply to the allegation contained in the notice) the Council without the holder of the office being present at the meeting, shall resolve by motion without any debate whether or not the allegation shall be investigated.

(5) A motion of the Council that the allegation be investigated shall not be declared as

having been passed unless it is supported by the votes of not less than two-thirds majority of all members of the Council.

(6) Within 7 days of passing of a motion under Sub-section (5) of this Section, the Secretary of the Local Government shall inform the Chief Judge of the State who shall appoint a panel of Seven persons who in the opinion of the Chief Judge are of un-questionable integrity not being members of : -

- (a) any public or civil service; or
- (b) a legislative house; or
- (c) a political party, to investigate the allegation as provided in this Section.

(7) The holder of an office whose conduct is being investigated under this section shall have the right to defend himself in person or be represented before the panel by a legal practitioner of his own choice.

(8) A panel appointed under this Section shall -

- (a) have such powers and exercise its functions in accordance with such procedure as may be prescribed by a law;
- (b) within three months of its appointment, report its findings to the Local Government.

(9) Where the panel reports to the Local Government that the allegation has not been proved no further proceedings shall be taken in respect of the matter.

(10) Where the report of the panel is that the allegation against the holder of the office has been proved, then within 14 days of the receipt of the report, the Council shall consider the report with the holder of office being present at the meeting and if by a resolution of the Council supported by not less than two-thirds majority of all its members, the report of the panel is adopted then the holder of the office shall stand removed from office as from the date of the adoption of the report.

(11) In this Section -

"Misconduct" includes breach of the Oath of Allegiance or Oath, of Offices of Chairman or Vice-Chairman or a breach of the provisions of this law or a misconduct of such nature as amounts to bribery or corruption or false declaration of assets and liabilities or conviction for treasonable felony.

21. (1) The Chairman or Vice-Chairman shall cease to hold office if-

(a) by a resolution passed by two-thirds majority of all the members of the Council it is declared that the Chairman or the Vice-Chairman is incapable of discharging the functions of his office; and:

(b) the declaration is verified under paragraph (a); of this Sub-section after such medical examination as may be necessary by a medical panel established under- Sub-section (4) of this Section in its report to the Secretary to the Local Government.

(2) Where the medical panel certifies in the report that in its opinion, the Chairman or Vice-Chairman is suffering such infirmity of body or mind as to render him permanently incapable of discharging the functions of his office, a notice of the medical report signed by the Secretary to the Local Government shall be published in the State Gazette.

(3) The Chairman or Vice-Chairman shall cease to hold office from the date of publication of the notice of the medical report pursuant to Sub-section (2) of this Section.

(4) The Medical Panel referred to in this Section shall be appointed by the Secretary to the Local Government and shall comprise three Medical Practitioners in Nigeria, of whom –

(a) one shall be a medical practitioner of the choice, of the Chairman as the case may be; and

(b) two shall be other Medical practitioners

22 (1) The Vice-Chairman shall hold die office of Chairman of the Local Government Council if the office of the Chairman becomes vacant by reason of death; resignation or removal from office in accordance with Section 20 or 21 of this law.

(2) Where a vacancy occurs in the circumstances mentioned in Sub-section (1) of this Section or for any other reason during a period when the office of Vice-Chairman is also vacant, the Councilors shall elect one of their members who shall hold the office of Chairman for a period of not more than 3 months, during which there shall be an election of a new Chairman who shall hold office as provided for in Section 23 (3) of this law.

(3) Where the offices of Vice-Chairman becomes vacant –

(a) by reason of death or resignation or removal in accordance with section 21 of this law;

(b) by this assumption of office of Chairman in accordance with Subsection (1) of this Section ; or

(c) for any other reason, the Chairman shall nominate one of the Councilors and

with the approval of a majority of the members of the Councilors, appoint him as the new Vice-Chairman of the Local Government.

(4) The Electoral Commission shall conduct a by election to fill the vacant seat created in the ward from which the new Vice-Chairman has been appointed.

23. (1) Subject to the provisions of this law; a person shall hold the office of Chairman until-

- (a) he becomes a member of a legislative house; or
- (b) he becomes President, Vice-President; Governor, Deputy Governor, or a Minister of the Government of the Federation or a Commissioner of the Government of a State; or
- (c) being a person whose election was sponsored by a political party, he resigns from that political party or becomes a member of another political party before the expiration of the period for which the Local Government Chairman was elected; or
- (d) when his successor in office takes the oath of that office; or
- (e) he dies whilst holding that office; or
- (f) the date when his resignation from office takes effect; or
- (g) he otherwise ceases to hold office in accordance with the provisions of this law; or
- (h) he becomes a member of a Secret Society or does any other thing disqualifying him from holding the office of Chairman under this law.

(2) The Secretary to the Local Government shall give effect to the provision of this Section, so however, that the Secretary shall first present evidence satisfactory to the Local Government Council that any of the provisions of the Sub-section; has become applicable in respect of the Chairman.

(3) Subject to the provisions of Sub-section (1) of this Section, the Chairman shall vacate his office at the expiration of a period of 3 years commencing from the date when -

- (a) in the case of a person first elected as Chairman under this law he took the Oath of Allegiance and Oath of Office; or
- (b) the person last elected to the Office took the Oath of Allegiance and the Oath of Office or would but for his death have taken those Oaths.

24 (1) If a person duly elected as Chairman dies or otherwise declines to take and subscribe to the Oath of Allegiance and the Oath of Office the person elected with him as Vice-Chairman,

shall be sworn in as Chairman who shall then nominate and with the approval of a majority of the members of the; Local Government Council appoint a new Vice-Chairman.

(2) Where the Vice-Chairman is appointed from among the Councilors as the new Vice-Chairman, the Electoral Commission shall conduct a bye-election to fill the vacant seat create in the ward from which the new Vice-Chairman has been appointed

(3) Where the persons duly elected as Chairman and Vice-Chairman of the Local Government die before taking and subscribing the Oath of Allegiance or Oath of Office during the period the Local Government has been inaugurated the State Electoral Commission shall immediately conduct an election for Chairman of the Local Government in which the candidates shall be nominated from the same wards as the one that produced the Chairman and Vice-Chairman.

25 (1) There shall be not less than 3 and not more than 5 offices of Supervisory Councilors of the Local Government.

(2) Any appointment to the office of supervisory councilor of a Local Government shall-

(a) be sponsored by a political party; and

(b) if the nomination of any person to such office is confirmed by the Council, be made by the Chairman of the Local Government in accordance with the provisions of Section 14 (4) of the Constitution of the Federal Republic of Nigeria 1999.

(3) Any elected Councilor who is appointed as a supervisory councilor of the Local Government shall be deemed to have resigned his seat as a councilor on taking oath of office of supervisory councilor as prescribed in the second schedule of this law.

26, (1).There shall be a Secretary to the Local Government who shall be appointed by the chairman of the Local Government subject to the approval of the Legislative Council the Local Government.

(2) The Secretary shall be a person who-

(a) qualifies for election as Chairman of the Local Government and ceases to hold office when the Chairman ceases to hold Office,;

(b) is an officer not below Grade Level 12;

(3) The Secretary shall declare¹ his assets and liabilities as prescribed by the Code of Conduct for Public Officers in fifth Schedule to the Constitution of the Federal Republic of Nigeria 1999 and shall subscribe to the Oath of Allegiance and Oath of Office as prescribed in the second schedule to this law.

(4) The salary of the Secretary of Local Government Council shall not exceed that of

Permanent Secretary in the State Civil Service.

27. The Secretary shall-

- (a) Serve as the Secretary to the meetings of the Executive Committee, of the Local Government and keep records of the Committee;
- (b) liaise with the Secretary to the State Government and; other state functionaries on State-Local Government matters;
- (c) ensure the supervision and control of all employees of the Local Government;
- (d) co-ordinate all activities of the departments of the Local Government;
- (e) perform such other duties as may be assigned to him from time to time by the Chairman of the Local Government.

28. (1) The office of the Governor in consultation with the House of Assembly may issue administrative guidelines to Local Government to ensure uniformity in Local Government Administration.

(2) The Governor shall have powers to suspend or dissolve any Local Government Council that is found wanting and constitute a management council in its place subject to the confirmation of the State House of Assembly.

PART III – COUNCILLORS

29. There shall be elected from each ward in a Local Government Area, one Councilor.

30. Subject to the provisions of Section 14 of this law a person shall be qualified for election as Councilor if he-

- (a) is a citizen of Nigeria;
- (b) has attained the age of 25 years;
- (c) has been educated up to at least the School Certificate or its equivalent; and
- (d) is a member of a Political Party and sponsored by the party.

31 (1) No person shall be qualified for election as Councilor if-

- (a) he has voluntarily acquired the citizenship of a Country other than Nigeria or, except in such cases as may be prescribed by the National Assembly, as the case may be he has made a declaration of allegiance to such other country,
- (b) under any law in force in any part of Nigeria, he is adjudged to be a lunatic or otherwise declared to be of unsound mind;

- (c) he is under a sentence of death imposed on him by any Court of Law or tribunal in Nigeria or, a sentence of imprisonment for an offence involving dishonesty or fraud imposed on him by the Court or substituted by a competent authority for any other sentence imposed on him by that Court,
- (d) he has been found guilty of contravention of the Code of Conduct under the Code of Conduct for Public Officers in the fifth schedule to the Constitution of the Federal Republic of Nigeria 1999;
- (e) he is an undischarged bankrupt having been adjudged or otherwise declared bankrupt under any Law in force in any part of the Federation;
- (f) he is a person employed in the Public service of the Federation or of any state or any local government and he has not resigned, withdrawal or retired from such employment 30 days before the date of election,
- (g) he is a member of a secret society;
- (h) he has been indicted for embezzlement or fraud by a judicial commission of inquiry or Tribunal of Inquiry Act or any other law set tip by the Federal, State or Local Government.

(2) Where in respect of any person who has been–

- (a) adjudged to be a lunatic; or
- (b) declared to be of unsound mind, or
- (c) sentenced to death or imprisonment; or
- (d) adjudged or declared bankrupt, and appeal against the decision is pending in court of law in accordance with any law in force in Nigeria, Sub-section (1) of this Section shall not apply during a period commencing from the date when the appeal is lodged and ending on the date when the appeal is finally determined or, as the case may be, the appeal lapses or is abandoned, whichever is earlier;
- (e) for the purpose of Sub-section (2) of this Section "appeal" includes an application for an injunction or an order of centiorari madamus, prohibition or habeas corpus, or an appeal from an; such application.

32. A person elected as a Councilor shall before taking his seat a member of Local Government Council declare his assets and liabilities as prescribed in the Code of Conduct for public officers in the fifth schedule to the Constitution of the Federal Republic of Nigeria 1999; and subsequently take and subscribe before the Chairman of the Local Government the Oath of Allegiance and the Oath of Membership prescribed in the schedule to this law.

33. (1) A member of the Council shall vacate his seat in the Council
- (a) when he becomes a member of legislative House other than the Council into which he was elected or
 - (b) on the date when his letter of resignation takes effect;
 - (c) if he becomes President, Vice-President, Governor, Deputy Governor or a Minister of the Government of the Federation or a Commissioner of a State; or
 - (d) being a person whose election was sponsored by a political party, he resigns from that party or becomes a member of another political party before the expiration of the period for which the Local Government Council was elected provided that his membership of the later political party is not as a result of a division in the political party of which he was previously a member or a merger of two or more political parties or factions by one of which he was previously sponsored; or
 - (e) if he becomes a member of a Secret Society or does any other thing disqualifying him from holding the office of Councilor under this Law; or
 - (f) if the Chairman of the Local Government receives a Certificate under the hand of the Chairman of the Electoral Commission stating that the provision of Section 34 of this Law have been complied with in respect of the result of that Member.
34. (1) A member of Local Government Council may be recalled as such a member if–
- (a) there is presented to the Chairman of the State Electoral Commission a petition in that behalf signed by more than one-half of the persons registered to vote in that Member's Constituency alleging their loss of confidence in the Member; and
 - (b) the petition is approved in a referendum conducted by the Electoral Commission within 90 days of the date of the receipt of the petition by a simple majority of the votes of the persons registered to vote in that Member's constituency.
- (2) For the purpose of this Section–
"Member" includes the Chairman and Vice-Chairman.

PART IV – EXECUTIVE AND LEGISLATIVE POWERS AND FUNCTIONS

Exercise of Executive powers and functions of a Local Government.

35. (1) Subject to the provisions of this law, the executive powers of a Local Government shall be vested in the Chairman of the Local Government.

(2) The executive powers vested in the Chairman under Sub-section (1) of this Section shall, subject to the provisions of this law be exercised by him either directly or through-

- (a) the Vice-Chairman or Supervisory Councilor of the Local Government; or
- (b) Officers in the service of the Local Government.

(3) The executive powers of the Local Government under this Section shall -

- (a) include the execution and maintenance of this Law, all Bye-laws made by the Council and extend to all matters with respect to which the Council has for the time being, power to make Bye-laws;
- (b) not be exercised so as to impede or prejudice the exercise of the executive powers of the Federation or the State in which the Local Government is situated or endanger any asset or investment of the Government of the Federation or of the State in the Local Government Area.;

36 (1) The Chairman shall assign to the Vice-Chairman specific executive responsibilities in respect of the business of the Local Government;

(2) The Chairman shall assign to any Supervisory Councilor of the Local Government responsibility for any business off the Local Government including the administration of any Department of the Local Government;

(3) The Chairman shall hold regular meetings with the Chairman and all the Supervisory Councilors for the purpose

- (a) determining the general direction of the policies of the Local Government;
- (b) coordinating the activities of the Local Government. and
- (c) generally discharging the executive functions of the Local Government.

(4) A meeting to which Sub-section (3) of this Section relate shall be held not more than one month from the date of the previous meeting.

37. (1) The Chairman of a Local Government may attend meeting of a Local Government Council either to deliver an address on the affairs of the Local Government or to make statement on the policy of the Local Government as he may consider to be of importance to the Local Government.

(2) A Supervisory Councilor of a Local Government shall attend the Council's meeting if invited to explain to the Council the conduct of his Department and in particular when the affairs of that Department are under discussion.

(3) Nothing in this Section shall enable any person who is not a member of the Council to

vote in that Council or in any of its Committees.

38. The main functions of a Local Government shall be Functions of as follows:-

- (a) the formulation of economic plans and development schemes for the Local Government Area;
- (b) collection of rates and issuance of radio and television licences;
- (c) establishment and maintenance and regulations of slaughter houses, slaughter slabs, markets, motor parks and public conveniences;
- (d) establishment and maintenance of cemeteries, burial grounds and homes for the destitute or infirm;
- (e) licensing of bicycles, trucks (other than mechanically propelled), canoes, wheel barrows and carts;
- (f) construction and maintenance of roads, street lights, drains, gardens, palaces, open spaces or such public facilities as may be prescribed from time to time by the House of Assembly;
- (g) naming of roads and sheets and numbering of houses;
- (h) provisions and Maintenance of public conveniences, sewage and refuse disposal;
- (i) assessment of privately owned houses or tenements for the purpose of levying such rates as may be prescribed by the House of Assembly;
- (j) control and regulation of -
 - (i) out-door advertising and boarding;
 - (ii) movement and keeping of pets of all descriptions;
 - (iii) shops and kiosks;
 - (iv) restaurants, bakeries and other places for sale of food to the public;
 - (v) laundries;
 - (vi) licensing, regulation and control of the sale of liquor; and
- (k) regulation of all births and marriages.

39. The functions of a Local Government shall include participation in the Government of the State in respect of the followings matters:-

- (a) the provision and maintenance of primary adult and vocational training;
- (b) the development of agriculture and natural resources other than the exploitation of mineral
- (c) the provision and maintenance of health services; and

(d) such other functions as may be conferred on a Local Government by the House of Assembly.

EXERCISE OF LEGISLATIVE POWERS AND FUNCTIONS OF A LOCAL GOVERNMENT

40- (1) The Council is declared to be the legislature of Local Government Area.

(2) Pursuant to Sub-section(1) of this Section the Council shall exercise legislative powers in the Local Government Area.

41. (1) The legislative powers vested in the Council shall be exercised by Bye-laws passed by the Council and except as provided by this Section, assented to by the Chairman of the Local Government.

(2) Where a Bye-law has been passed by the Council, it shall be presented to the Chairman of the Local Government for assent.

(3} Where a Bye-law is presented to the Chairman for assent he shall within thirty (30) days signify that he assents or that he withholds assent.

(4) A Bye-law shall not become law unless it has been duly passed and assented to in accordance with the provision of this Section.

(5) Where the Chairman withholds assent and the Bye-law is again passed by the Council by two thirds majority, the Bye-law shall become law and the assent of the Chairman shall not be required.

42. (1) The Chairman shall cause to be prepared and laid before the Council at any time before the commencement of the financial year, estimates of revenues and expenditure of the Local Government Area for the next following year.

(2) The Council shall have power to debate, amend and approve the estimate referred to under Sub-section (1) of this Section.

(3) No monies shall be withdrawn from any public fund of the Local Government Area unless such withdrawals have been authorised by the Council

43. (1) There may be provided in or by any Bye-law penalty and after not exceeding five thousand Naira (₦5,000) or imprisonment not Bye-Laws, exceeding three months or both as the Council making the Bye-law

may deem fit on any person who fails to take action required by or who disobeys the Bye-law.

(2) A Bye-law may specify a further penalty not exceeding five hundred Naira (₦500.00)

for each day on which a breach of the Bye-law is committed after a written notice has been served on the offender.

(3) Where any enactment confer powers on a Council to make Bye-laws and to make provisions in respect of fees or charges, the Council may provide in the Bye laws for –

- (a) certified fees or charges
- (b) maximum or minimum fees or charges;
- (c) the payment of fees or charges either generally or under specified conditions; and
- (d) the reduction, waiver or refund in whole or part of any such fees or charges either upon the happening of certain events or in the discretion of any person.

(4) Where any reduction, waiver or refund in whole or in part of any fee or charge is provided, such reduction, waiver or refund may be made to apply either generally or specifically in respect of –

- (a) certain matters or classes of matters;
- (b) certain documents or classes of documents;
- (c) any event that happens or ceases to happen;
- (d) certain persons or classes of persons; and
- (e) any combination of such matters, persons, documents or events, and may be made to apply subject to such conditions as may be set out in the Bye-laws or in the discretion of any specified person.

PART V – FINANCIAL PROVISIONS

44. (1) The State shall:–

(a) maintain a special account to be called State Joint Local Government Accounts into which shall be paid all allocations to the Local Government of the State from the Federation Account and from the Government of the State;

(b) pay to each Local Government from the Account, the revenue that has accrued to the Account from the Federation Account and from the revenue of the State on the following basis:–

- (i) Equality – 40%
- (ii) population – 30%
- (iii) Land mass and terrain – 10%

(5% of 10% for each)

- (iv) Internal Revenue effort - 10%
(25% of 10% of Revenue effort, 75% of 10% equality)
- (v) Social Development Factors - 10%
- (a) Primary School enrolment - 40% of 10%
- (b) Hospital Beds - 30% of 10%
- (c) Water supply spread -15% of 10%
- (d) Rainfall Proportion - 15% of 10%

(2) The indices for sharing of revenue in Sub-section (1) above may be reviewed from time to time by the House of Assembly;

(3) The State Joint Local Government Account Allocation Committee shall comprise of the following members:-

- (a) Chairman - Deputy Governor
- (b) Vice Chairman - Permanent Secretary Local Government Affairs
- (c) All Chairmen of the 21 Local Government Areas-Members
- (d) Director Local Government Affairs - Secretary
- (e) Auditor - General for Local Government

(4) The State joint Local Government Account shall submit its monthly statement of Account to the State House of Assembly

45. (1) The Council and Chairman of Local Government shall have the following as spending limits which shall be subject to review by the House of Assembly:

- (a) the Council that generates above ₦2 million shall spend ₦ 200,000.00 to ₦ 500,00.00.
- (b) the Council that generates ₦ 1 - ₦ 2 million shall spend ₦ 150,000.00 to ₦250,000.00.
- (c) the Council that generates below ₦ 1 million shall spend ₦ 50,000.00 to ₦50,000.00.

Locally Generated Revenue shall be spent as follows:

- (i) Chairman - ₦100,000.00
- (ii) Secretary - ₦20,000.00
- (iii) Directors - ₦10,000.00

(d) The Council that generates less than ₦ 2 million as locally generated Revenue, shall spend -

- (i) Chairman - ₦ 50,000.00
- (ii) Secretary - ₦ 15,000.00
- (iii) Directors - ₦ 5,000.00

(e) The Council that generates less than ₦ 1 million shall spend:-

- (i) Chairman - ₦ 30,000.00
- (ii) Secretary - ₦ 5,000.00
- (iii) Directors - ₦3,000.00

(2) Any expenditure above the amount stipulated for the Council shall be referred to the State Government for approval.

46. (1) The accounts of a Local Government and all other offices of the local Government shall be audited annually in accordance with the provisions of this Section.

(2) The Auditor-General shall, within 6 months from the end of each financial year, submit his report to the House of Assembly.

(3) For the purpose of carrying out of the duties under this Section, the Auditor-General or any person authorised by him in that behalf, shall have access to all books, records, returns and other documents relating to those accounts.

(4) In exercise of his functions under this law, the Auditor-General shall not be subject to the direction or control of any other authority or person.

47. The Chairman, Vice-Chairman and Councilors of Local Government Areas shall draw the following allowances monthly: -

- (a) Chairman ₦100,000.00 as dispensation allowance and ₦ 100,000.00 as upkeep allowance
- (b) Vice Chairman ₦30,000.00
- (c) Councillors ₦10,000.00 each.

SCHEDULE I – Section 3

S/No.	LOCAL GOVERNMENT AREA	HEADQUARTERS OF LOCAL GOVERNMENT AREAS
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1.	Demsa	Demsa
2.	Fufore	Fufore
3.	Ganye	Ganye
4.	Gombi	Gombi
5.	Girei	Girei
6.	Guyuk	Guyuk
7.	Hong	Hong
8.	Jada	Jada
9.	Lamurde	Lamurde
10.	Madagali	Gulak
11.	Maiha	Maiha
12.	Mayo-Belwa	Mayo-Belwa
13.	Michika	Michika
14.	Mubi North	Mubi
15.	Mubi South	Gella
16.	Numan	Numan
17.	Shelleng	Shelleng
18.	Song	Song
19.	Toungo	Toungo
20.	Yoia North	Jimeta
21.	Yoia South	Yola

SCHEDULE 3

OATH OF OFFICE OF THE VICE CHAIRMAN, SUPERVISORY COUNCILLORS AND SECRETARY TO THE LOCAL GOVERNMENT.

I.....do solemnly swear/affirm that I will be faithful and bear true allegiance to the Federal Republic of Nigeria that as the.....of.....Local Government, I will discharge my duties to the best of my ability faithfully and in accordance with the provisions of the Constitution of the Federal Republic of Nigeria and the Local Government Law 1999 and the Law, and always in the interest of the sovereignty, integrity; solidarity, wellbeing and prosperity of the Federal Republic of Nigeria. That I will strive to preserve the fundamental objectives and Directive Principles of State policy contained in the Constitution of the Federal Republic of Nigeria. That I will exercise that authority vested in me as.....so as to

impede or prejudices the authority lawfully vested in the President of the Federal Republic of Nigeria so as not to endanger the continuance of Federal Republic of Nigeria; that I will not allow my personal interest to influence my official conduct or my official decisions; that I will to the best of my ability, preserve, protect and defend the Constitution of the Federal Republic of Nigeria; that I will abide by the Code of Conduct contained in the fifth schedule to the Constitution of the Federal Republic of Nigeria 1999; that in all circumstances, I will do right to all manner of people according to Law, without fear or favour, affection or ill-will, that I will not directly or indirectly communicate or reveal to any person any matter which shall be brought for my consideration or shall become known to me as.....of. Local Government except as may be required for the discharge of my duties as.....and that I will devote myself to the service and well-being of the people of Nigeria.

So help me God.

SCHEDULE 2 – Sections 18 25, 32

OATH OF ALLEGIANCE

I.....do solemnly swear/affirm that I will be faithful and bear true allegiance to the Federal Republic of Nigeria and that I will preserve and defend the law including the Constitution of the Federal Republic of Nigeria.

So help me God

OATH OF OFFICE OF THE CHAIRMAN

Ido solemnly swear/affirm that I will be faithful and bear true allegiance to the Federal Republic of Nigeria, that as the Chairman of.....Local Government; I will discharge my duties to the best of my ability, faithfully and in accordance with the provisions of the Constitution of the Federal Republic of Nigeria and the Local Government Law 1999 and the Law, and always in the interest of the sovereignty, solidarity, well-being and prosperity of the Federal Republic of Nigeria, that will strive to preserve the Fundamental Objectives and Directive Principles of the State policy contained in the Constitution of the Federal Republic of Nigeria; that I will exercise the authority vested in me as Chairman so as not to impede or prejudice the authority lawfully vested in the President of the

Federal Republic of Nigeria so as to endanger the continuance of Federal Government in Nigeria, and I will not allow my personal interest to influence my official conduct or my official decisions; that I will preserve, protect and defend the Constitution of the Federal Republic of Nigeria.

So help me God

SCHEDULE 4

OATH OF A MEMBER OF THE LOCAL GOVERNMENT COUNCIL

Ido solemnly swear/affirm that I will be faithful and bear true allegiance to the Federal Republic of Nigeria that as a member of Local Government Council, I will perform my functions honestly to the best of my ability faithfully in accordance with the provisions of the Constitution of the Federal Republic of Nigeria and rules of the Local Government Council and always in the interest of the sovereignty, integrity, solidarity, well-being and prosperity of the Federal Republic of Nigeria, that I will strive to preserve the fundamental objectives and directive principles of State policy contained in the Constitution of the Federal Republic of Nigeria, and that I will preserve, protect and defend the Constitution of the Federal Republic of Nigeria and that I will abide by the Code of Conduct contained in the Fifth Schedule to the Constitution of the Federal Republic of Nigeria 1999.

So help me God.

This printed impression has been carefully compared by me with the bill which has passed the House and found by me to be a true and correctly printed copy of the said bill.

HAJIYA ASMAU SALIMU,
Clerk to Adamawa State House of Assembly.

I assent this 10th day of May, 2000

BONI HARUNA,
Executive Governor,

Adamawa State of Nigeria