

CHAPTER K31 - KWARA STATE LOCAL GOVERNMENT ECONOMIC PLANNING AND DEVELOPMENT BOARD LAW

ARRANGEMENT OF SECTIONS

PART I

Establishment, Incorporation, Composition, Functions and Powers of the Board

SECTION

1. Establishment of the Board.
2. Incorporation of the Board.
3. Composition of the Board.
4. Appointment, tenure, remuneration and resignation of members.
5. Vacation of office.
6. Schedule.
7. Directions of the Governor.
8. Functions of the Board.
9. Powers of the Board.
10. Aim of the Board.

PART II

Joint Local Government Development Projects

11. Joint Local Government Development Projects.
12. Duties of the Board in respect of Joint Development Projects.

PART III

Administrative Organisation of the Board

13. General Manager.
14. Duties of the General Manager.
15. Secretary to the Board.
16. Functions of the Secretary.
17. Power of discipline and removal.
18. Other staff, etc., of the Board.
19. Secondment of employees.
20. Power to make regulations relating to employees of the Board.
21. Service in the Board to be pensionable.

PART IV

Financial Provisions, Accounts and Reports

22. Funds and resources.
23. Power to borrow money.
24. Investment of money.

SECTION

25. Gifts to the Board.
26. Account and Statement of Account.
27. Annual estimates.
28. Audit.
29. Annual report.
30. Acquisition of land.
31. Power to make regulations.
32. Interpretation.
33. Citation.

SCHEDULE

**KWARA STATE LOCAL GOVERNMENT ECONOMIC PLANNING AND
DEVELOPMENT BOARD LAW**

**A Law to provide for the Establishment of the Kwara State Local Government
Economic Planning and Development Board and for matters connected
therewith.**

[No. 2 of 2007.]

[Date of commencement: *2nd June*, 2005]

PART I

Establishment, Incorporation, Composition, Functions and Powers of the Board

1. Establishment of the Board

There is hereby established for the State a Board to be known as the Kwara State Local Government Economic Planning and Development Board (hereinafter referred to as the "Board.")

2. Incorporation of the Board

The Board shall—

- (a) be a body corporate with perpetual succession having a common seal;
- (b) have power to sue and be sued in its corporate name; and
- (c) be capable of holding, purchasing, acquiring and disposing

of property, movable and immovable for the purpose of carrying out its functions under this Law.

3. Composition of the Board

The Board shall consist of—

- (*a*) the Commissioner for Local Government and Chieftaincy Affairs, who shall be the Chairman;
- (*b*) the Commissioner for Finance;
- (*c*) the Commissioner for Works;
- (*d*) the Commissioner for Rural Development;
- (*e*) the Commissioner for Water Resources;
- (*f*) the Chairmen of all the Local Government Areas;
- (*g*) three persons experienced in the sphere of economic development and planning, one from each of the senatorial districts of the State;
- (*h*) the General Manager of the Board; and
- (*i*) a representative of the State Planning Commission.

4. Appointment, tenure, remuneration and resignation of members

- (1) The members referred to in section 3(*g*) of this Law shall—

- (a) be appointed by the Governor;
- (b) hold office for such period and on such terms and conditions as may be contained in the instrument by which they are appointed;
- (c) be eligible for re-appointment upon the terms contained in their instrument of appointment; and
- (d) be paid such remuneration whether by way of salary, fees or allowances as the Governor may determine.

(2) A member may resign his appointment in writing under his hand addressed to the Governor through the Chairman, and upon the receipt by the Governor of the letter of resignation the appointment of such a member shall cease.

5. Vacation of office

(1) The office of a member of the Board shall become vacant if—

- (a) he resigns his office by notice under his hand addressed to the Governor;
- (b) by death or physical incapacitation or mental illness he is unable or unfit to perform or discharge his functions as a member;
- (c) it is not in the interest of the Board or of the public for the person appointed to continue in office;
- (d) he has been convicted of a criminal offence or any offence

involving dishonesty or fraud;

(*e*) he has financial or other interest in the operations of the Board;

(*f*) he has been absent from three consecutive meetings of the Board without the permission of the Governor in the case of the Chairman and without permission of the Chairman in the case of a member;

(*g*) he is guilty of misconduct; or

(*h*) he becomes bankrupt, suspends payment or compounds with his creditors.

(2) Where a vacancy occurs in the membership of the Board, it shall be filled by a successor appointed by the Governor to hold office for the remainder of the term for which his predecessor was appointed, so however that the successor shall represent the same interest.

6. Schedule

The supplementary provisions set out in the Schedule to this Law shall have effect with respect to the proceedings of the Board and the other matters contained therein.

7. Directions by the Governor

(1) Notwithstanding the provisions of this Law, the Governor shall in his discretion give directions on the management and disbursing of the contributory funds as provided for in Section 22 (1) and (2) of this Law for the benefit of the State in the areas of water development, road contruction and

rehabilitation and establishing and reconstruction of educational and health institutions in any part of the State.

[No. 2 of 2007.]

(2) The Governor shall upon the composition of the Board give such directions of a general or specific character in accordance with the provisions of this Law and as to the exercise and performance of its functions and the Board shall effect to such direction.

[No. 2 of 2007.]

8. Functions of the Board

The functions of the Board shall be to—

- (a) formulate and initiate policies and programmes within the context of the Federal and State policies on economic planning and development, aimed at enhancing and improving economic development and also to implement same;
- (b) carry out projects and such other activities that will enhance development in all the Local Government Areas of the State;
- (c) conduct public enlightenment campaigns and disseminate vital information on economic development in the Local Government Areas by all stake holders;
- (d) render advisory services and take measures to ensure proper economic planning in all the Local Government Areas;

- (e) liaise with the State ministries, statutory bodies and research agencies on matters and facilities relating to economic planning;
- (f) monitor all spheres of economic planning and development in the Local Government Areas;
- (g) mobilise the people in the Local Government Areas for an effective economic planning and development;
- (h) implement applicable laws and standard on activities relating to economic planning and development;
- (i) identify, survey, inspect and record economic viability of each Local Government Area in the State;
- (j) make recommendations to the Local Government Areas in the State informing them of their duties to participate in the economic planning;
- (k) assist the Local Government in harnessing their economic viability;
- (l) identify viable mineral resources for economic development and obtain licence where necessary;
- (m) liaise with the State Planning Commission; and
- (n) carry out such other activities that are conducive to the discharge of its functions under this Law.

9. Powers of the Board

(1) Subject to the provisions of this Law, the Board shall for the purpose of carrying out its functions under this Law have power to carry out all activities which are necessarily advantageous for economic planning and development.

(2) Without prejudice to the generality of the provisions of subsection (1) of this section the powers of the Board shall include powers to—

- (a) carry out investigations that are necessary for the formulation of proposals for the purposes of economic planning;
- (b) enter into such contracts that are necessarily advantageous or expedient for the performance of its functions under this Law;
- (c) carry out research and developmental activities for economic planning and development; and
- (d) carry on all activities which are necessarily advantageous, and that will enhance the achievement of the functions of the Board.

10. Aim of the Board

The aim of the Board shall be to promote and ensure sustainable economic planning and development in all the Local Government Areas of the State.

PART II

Joint Local Government Development Projects

11. Joint Government Development Projects

[No. 2 of 2007.]

(1) There shall be Joint Government Development Projects between the State Government and one or more of the Local Government Areas in the State.

[No. 2 of 2007.]

(2) Such Joint Development Projects shall be located in any Local Government Area for the benefit of any particular Local Government concerned or the State.

[No. 2 of 2007.]

(3)

[No. 2 of 2007.]

(4)

[No. 2 of 2007.]

12. Duties of the Board in respect of Joint Development Projects

The Board shall in respect of all Joint Government Development Projects between the State and any of the Local Governments perform the following duties—

- (a) ensure that funds provided for in section 22 (2) of this Law are utilised for Joint Government Development Projects;
- (b) ensure that funds contributed by any Local Government is utilised for the benefit of the State;

- (c) examine proposed Joint development projects submitted for implementation by each Local Government;
- (d) determine the functionality and relevance of the projects to the over all development of that Local Government Area or any part of the State;
- (e) review cost of project and advise on the most effective method for executing same, hand-in-hand with the people's ideology that will reflect the needs of the Local Government area concerned or any part of the State;
- (f) regularly monitor the project implementation to ensure that projects executed are in line with the priority of each Local Government or the State;
- (g) examine the three months work plan in respect of each Local Government to the State Government as basis for the execution of projects; and
- (h) perform such other duties as the need arises from time to time.

[No. 2 of 2007.]

PART III

Administrative Organisation of the Board

13. General Manager

(1) There shall be a General Manager for the Board, who shall be a professionally qualified Development Economist with sound knowledge and

experience of Economic Development Policies.

(2) The General Manager shall—

- (a) be appointed by the Governor;
- (b) hold office upon such terms and conditions as to remuneration and conditions of service as may be specified in his letter of Appointment; and
- (c) be the Chief Executive and Accounting Officer of the Board.

14. Duties of the General Manager

The General Manager shall—

- (a) be responsible for the day to day administration of the Board;
- (b) be responsible for carrying out the policies and decisions of the Board in accordance with the provisions of this Law;
- (c) manage all the businesses and preserve all the properties of the Board;
- (d) define and assign responsibilities to the staff;
- (e) submit quarterly progress report, etc., to the Board;
- (f) have control of all employees of the Board; and
- (g) carry out such other duties as may be relevant to his

functions and as may be assigned to him by the Board.

15. Secretary to the Board

There shall be a Secretary to the Board who shall be appointed from the Civil Service of the State.

16. Functions of the Secretary

The Secretary to the Board shall—

- (a) keep the records of the Board;
- (b) carry out all correspondence relating to the Board;
- (c) be in control of the administration of the Secretariat of the Board; and
- (d) carry out such other functions as the Board or the General Manager may assign to him from time to time.

17. Power of discipline and removal

Power to exercise disciplinary control over the General Manager and to remove him from office shall vest in the Governor and shall also be subject to the provisions of any regulations that may be made under this Law.

18. Other staff, etc., of the Board

(1) Subject to the provisions of subsection (2) of this section the Board may appoint, engage, employ or dismiss such officers and employees as it may consider necessary for the proper and effective conduct of the business of the

Board upon such terms and conditions as to remuneration or otherwise as it may determine.

(2) The Board shall not appoint, engage, employ or dismiss any officer or employee whose salary is equal to or in excess of the prescribed salary without the approval in writing of the Governor.

(3) The Governor may by order determine the prescribed salary for the purpose of subsection (2).

19. Secondment of employees

The Board may employ on Secondment such officers in the public service of the Federation, State or in the service of any other State, or Local Government as may, with the agreement of such officers, be seconded to the service of the Board in accordance with the procedure applicable to the secondment of such officers.

20. Power to make Regulations relating to employees of the Board

The Board may, with the approval of the Governor, and subject to the provisions of this Law, make regulations with respect to the appointment, promotions, transfer and dismissal of, and exercise of disciplinary control over, its employees and without prejudice to the generality of the foregoing provisions, make regulations for any of the following matters—

(a) the qualifications to be required for appointments;

(b) the method of appointment (including probation and confirmation);

- (c) the form of any agreement to be entered into between the Board and its employees;
- (d) the terms and conditions of service (including without prejudice to the generality of that expression, the salaries, allowances the grant of advances, the provisions of quarters, leaves and medical treatments;
- (e) the procedure and requirements for promotions;
- (f) the maintenance of discipline (including dismissal and the determination of appointments);

the transfer of employees between the Board and the Government of the Federation, State, any other State, Local Government or any statutory corporation; and

such other matters relating to departmental procedure, duties and responsibilities of employees as the Board considers can be best provided for by regulations.

21. Service in the Board to be pensionable

(1) Service in the Board shall be approved service for the purpose of the Pension Act.

(2) The officers and other persons employed in the Board shall be entitled to pensions, gratuities and other retirement benefits as obtainable in the Civil Service of the State.

(3) Nothing in subsection (1) and (2) of this section shall prevent the appointment of a person to any office on terms which preclude the grant of

pension and gratuity in respect of that office.

PART IV

Financial Provisions, Accounts and Reports

22. Funds and resources

(1) The funds of the Board shall consist of—

- (a) all funds which may from time to time be appropriated to the Board by the Governor of the State;
- (b) all fees realised from proceeds of sales;
- (c) sums received from donations, subventions, grants and endowments;
- (d) interests on investments;
- (e) all such sums as may from time to time be granted to the Board by any person;
- (f) all properties and investments acquired by or vested in the Board and all moneys earned or arising there from;
- (g) all fares and other sums derived by the Board from the provisions of its services under this Law;
- (h) all sums or property which may in any manner become payable to or vested in the Board in respect of any matter

arising out of or incidental to its functions; and

(i) all other sums accruing to the Board from other sources.

(2) Each Local Government Area of the State shall contribute on monthly basis, 10% of its monthly Revenue Allocation from its allocation in the Joint Local Government Account, into the funds of the Board.

(3) The contributory funds referred to in subsection (2) of this section shall be used specifically for the Joint Projects referred to in section 11 of this Law and not for any other purpose.

(4)

[No. 2 of 2007.]

(4) The funds referred to in subsection (1) of this section shall be used for all other necessary purposes.

[No. 2 of 2007.]

23. Power to borrow money

The Board may, with the consent of the Governor, borrow money, whether by way of mortgage or otherwise, and on such terms and conditions as the Board with the consent aforesaid may determine, such sums of money as may be required in the exercise of the functions conferred on the Board by this Law or by any other written Law.

24. Investment of money

The Board may invest money standing to its credit and not for the time being required for the purposes of its functions in stocks, shares, debentures or any other securities whatsoever and the Board may sell, dispose of or

otherwise deal with all or any of such securities.

25. Gifts to the Board

(1) The Board may accept gifts of land, money or other property if any, as any be specified by the person or organisation making the gift.

(2) The Board shall not accept any gift if the conditions attached to the gift are inconsistent with the functions of the Board under this Law.

26. Accounts and statement of Accounts

(1) The Board shall keep proper accounts of its revenue and expenditure, payments, receipts, assets and liabilities and shall at the end of each financial year prepare an annual statement of Account showing in a fair and accurate manner the financial position of the Board.

(2) The said annual statement of Accounts shall be a fair and accurate statement of the financial position and of the results of the operations of the Board for the financial year to which it relates.

27. Annual estimates

The Board shall cause to be prepared not later than the 30th day of September in each year an estimate of its revenue and expenditure for the next succeeding financial year.

28. Audit

(1) The annual statement of Accounts shall be audited by an Auditor or Auditors to be appointed annually by the Board after consultation with the Auditor-General of the State and the remuneration to be paid by the Board to

the Auditor or Auditors so appointed shall be approved by the Governor.

(2) As soon as the said annual statement of Account has been audited, the Board shall forward to the Governor a copy of the said statement of Accounts together with a copy of the report made by the Auditors.

29. Annual Report

The Board shall within six months after the end of each financial year make to the Governor a report in such form and containing such particulars as the Governor may from time to time direct, dealing with the activities of the Board during that financial year.

30. Acquisition of land

(1) Whenever there is need for an acquisition by the Board of any land required for the purpose of carrying out its functions and powers as set out in this Law, the appropriate authority in the Ministry of Lands and Housing or a person authorised by the Governor may, upon the application of the Board and after such enquiry as he may think fit, declare that the land is required for the service of the Board.

(2) The land to which a declaration as in subsection (1) above is made shall be deemed to be required for public purposes within the State and within the meaning of the Land Use Act, and the Governor may cause action to be taken under the said Act, for acquiring the land for the Government.

[Cap. 15 Laws of the Federation of Nigeria, 2004.]

31. Power to make regulations

The Board may with the approval of the Governor make rules and regulations generally for the purpose of this Law.

32. Interpretation

In this Law, unless the context otherwise requires—

"Board" means Kwara State Local Government Economic Planning and Development Board as established by section 1 of this Law;

"Chairman" means the Chairman of the Board;

"financial year" means the twelve months ending on the 31st day of December in any Year;

"functions" includes powers and duties; **"Governor"** means the Governor of Kwara State;

"House of Assembly" means House of Assembly of Kwara State of Nigeria;

"Law" means a Law enacted by the House of Assembly;

"Local Government Areas" means the Local Government Areas of the State as provided for in the Constitution of Federal Republic of Nigeria and in the Kwara State Local Government Law;

"Member" means a member of the Board and includes the Chairman;

"State" means Kwara State of Nigeria.

33. Citation

This Law may be cited as Kwara State Local Government Economic

SCHEDULE

[Section 6.]

Supplementary Provisions Relating to the Board

1. Meetings and Procedures

(1) The Board shall hold such and so many meetings as may be necessary for the due fulfillment of its functions so, however that it shall hold at least two meetings in every three months.

(2) At a meeting of the Board—

(a) the Chairman shall if present be Chairman of the meeting;
and

(b) if the Chairman is not present members of the Board who are present shall choose one of their members to be the chairman of the meeting.

(3) Every question at a meeting of the Board shall be determined by a majority of the votes of the members present and voting on the question and in the event of equality of votes, the chairman of the meeting shall have a casting vote.

(4) Any twelve members of the Board may by notice in writing signed

by them request the Chairman to call a special meeting of the Board for the purposes set out in such notice and the Chairman shall thereupon call a special meeting.

2. Summoning of meetings

All meetings of the Board shall be summoned at the direction of the Chairman.

3. Validity of proceedings

The validity of any proceedings of the Board shall not be affected by any vacancy in its membership or by any defect in the appointment of a member.

4. Regulations of proceedings

Subject to the provisions of this Law, the Board may regulate its own proceedings.

5. Power to co-opt

(1) Where the Board decides to obtain the advice of any person on any particular matter it may co-opt such persons as a member for a meeting whether or not expressly convened for the purposes of considering the particular matter.

(2) Such co-opted member shall not be entitled to vote nor shall he count towards a quorum.

6. Standing order

Subject to the provisions of this Law the Board may make standing

orders with respect to the holding of meetings, the nature of notices to be given, the proceedings thereat, the keeping of the minutes of such proceedings and the custody and production for inspection of such minutes.

7. Committees

(1) The Board may appoint one or more Committees (other than standing committees) to advise it on the exercise and performance of its functions.

(2) Every Committee appointed under the provisions of this paragraph shall be presided over by a member of the Board and shall be made up of such number of persons not necessarily members of the Board as the Board may determine in each case.

(3) No decision of a Committee shall have effect unless confirmed by the Board.

8. Contracts and instruments

No member of the Board shall have any personal interest in any contract, instrument or arrangement entered into or proposed to be considered by the Board.

9. Seal of the Board

(1) The common seal of the Board shall not be used or affixed to any document except in pursuance of a resolution duly passed at a properly constituted meeting of the Board and recorded in the minutes of such meeting.

(2) The fixing of the common seal of the Board shall be authenticated

by the signature of the Chairman, or in his absence by any other member authorised by the Board.

(3) Any document purporting to be a document duly executed under the seal of the Board shall be received in evidence and shall unless the contrary is proved, be deemed to be so executed.

10. Quorum

Twelve members of the Board shall form a quorum at a meeting of the Board.

CHAPTER K31

KWARA STATE LOCAL GOVERNMENT ECONOMIC PLANNING AND DEVELOPMENT BOARD LAW

SUBSIDIARY LEGISLATION

No Subsidiary Legislation
