



**THE HONORABLE HOUSE OF REPRESENTATIVES**

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*Office of the Chief Clerk*

**-2018-**

**FIRST SESSION OF THE FIFTY-FOURTH LEGISLATURE OF THE REPUBLIC OF LIBERIA**

**SCHEDULE OF HOUSE'S ENROLLED BILL NO. 13 ENTITLED:**

**“AN ACT TO REPEAL THE LOCAL GOVERNMENT LAW TITLE 20, LIBERIAN CODES OF LAW REVISED AND TO ESTABLISH IN ITS STEAD, A NEW TITLE 20 TO BE KNOWN AS THE LOCAL GOVERNMENT ACT OF 2018”**

PRESENTED TO THE PRESIDENT OF THE REPUBLIC OF LIBERIA FOR EXECUTIVE APPROVAL.

APPROVED THIS: 19<sup>th</sup> DAY OF September A.D. 2018

AT THE HOUR OF 11:13

\_\_\_\_\_  
**THE PRESIDENT OF THE REPUBLIC OF LIBERIA**



Republic of Liberia



## LOCAL GOVERNMENT ACT

An Act to Repeal the Local Government Law Title 20, Liberian Codes of Law Revised and to Establish in its stead, a New Title 20 to be known as the Local Government Act of 2018.

August 2018

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## Chapter 1

### General Provisions

#### 1.1 Title

The Title of this Act is An Act to Repeal the Local Government Law Constituting Title 20 of the Liberian Code of Laws Revised and to Establish in its stead a New Title 20 to be known as the Local Government Law of Liberia.

#### 1.2 Short Title

This Act may be referred to as the Local Government Act of 2018

#### 1.3 Objective of the Act

This Act affirms the commitment of the Government of Liberia to further the unity of the Republic by providing equal opportunity for all of its citizens to engage in the governance of the state through the devolution of certain administrative, fiscal and political powers and institutions from the national government to local governments, with the following objectives:

- a. To give effect to the Country's National Policy on Decentralization and Local Governance;
- b. To ensure democratic participation in, and control of, decision-making by the citizenry;
- c. To create and establish democratic, political, administrative and fiscal structures in local governance; and
- d. To ensure sources of revenues in support of local government administration and operations.

#### 1.4 Application of the Act

The Local Government Act of 2018 shall apply to all local government structures and functions herein devolved from central government to local governments as contained in the Administrative Procedure Manual published by the Minister responsible for local government, except that said Manual shall be confirmed to this Act and those functions that are exclusively reserved for the national government.

#### 1.5 Definitions

The following words, when used in this Act, unless otherwise defined therein shall have the meaning(s):

**Administrative District:** a political sub-division of a county comprising of chiefdoms.

**Administrative District Commissioner:** the appointed head of an administrative district in accordance with the standards and procedures established by the Constitution of Liberia and this Act.

**Advisory Council:** a panel of citizens comprising local opinion leaders appointed at district, chiefdom, clan and general town levels to assist the Commissioner or Chief in promoting reconciliation, administration and participatory governance.

**Affirmative Action:** Positive actions taken to increase the representation of women, youth, and persons with disabilities and other marginalized groups in areas such as education, employment, business, and governance.

**Borough:** A demarcated sub-section of a city.

**District Commissioner:** the appointed head of an administrative district of a county.

**Domicile:** the permanent residence of a person in a county where he/she lives at least one year immediately prior to contesting for a public office.

**Elder:** an individual other than an elected chief who is acknowledged by the community to be a repository of knowledge of communal values and customs of a given ethnic group.

**Fiscal Decentralization:** the transfer of certain revenue and expenditure management functions and authority from central to local governments.

**Gender Equality:** refers to the equal rights, responsibilities and opportunities of women and men and girls and boys.

**General Town:** a demarcated and delineated sub-area of a clan.

**General Town Chief:** the elected administrative head of a general town. In this Act, the town chief provided for in Article 56(b) of the Constitution shall mean the same as the General Town Chief referred to in local government administrative structure by the Minister responsible for local government.

**Honorarium:** fees paid to county, city, township council members and to Local Government Fiscal Board Members in recognition of services rendered.

**Internal Audit Secretariat:** The Internal Audit Secretariat as established under the Public Financial Management Act of 2009.

**Legislature:** the lawmaking body of the Republic of Liberia.

**Local Government:** a sub-national authority organized to share authority with central government.

**Local Government Fiscal Board:** a body whose membership is appointed by the President that determines and recommends the amount of grant allocations to sub-national governments based on a process that takes into account objective, equitable and measurable factors.

**Mayor:** the appointed administrative head of a city.

**National agency responsible for Land:** The central government institution, *now or in the future*, created and established to implement land right laws, particularly to govern and manage land matters, with powers to formulate and implement policies, as well as issue regulations, relating to land governance and administration.

**Own-Source Revenues:** revenues defined in law for local governments to be derived from local tax bases, activities, fees, charges, fines, and local government assets.

**Paramount Chief:** the elected administrative head of a chiefdom.

**Person with disability:** a person who is physically or mentally challenged.

**Statutory District:** a political sub-division of a county established by statute and comprising of administrative districts, chiefdoms and clans.

**Superintendent:** the administrative head and chief executive officer of a county or statutory district appointed by the President.

**Town:** a locality with a minimum population of five hundred (500) inhabitants.

**Township:** an urban locality smaller than a city, with a minimum population of five thousand (5000) inhabitants and granted a charter by the Legislature.

## Chapter 2

### Local Government Powers and Structures

Liberia, a unitary state, shall be sub-divided into counties for administrative purposes; and counties shall be divided into administrative and statutory districts, cities, townships, boroughs, chiefdoms, clans and general towns.

#### 2.1 Powers and Authority of Local Governments

Local Governments shall be responsible for the overall management and development of their respective jurisdictions. They shall exercise administrative fiscal and political authority, give direction to, and supervise administrative, fiscal, political, security and development activities. The central government shall ensure that powers and authority devolved to local governments shall be exercised as envisaged in this Act.

Specifically, local governments shall:

- a. Undertake functions devolved or delegated to counties by central government;
- b. Promote reconciliation, peace and socio-economic development;
- c. Ensure the maintenance of law, order and security in collaboration with the national security agencies;
- d. Promote good governance in local government administration;
- e. Ensure implementation of and compliance with national government policies;
- f. Make and enforce local policies and ordinances which do not conflict with the laws and policies of the Central Government;
- g. Formulate and implement county development plans;
- h. Raise local revenues as provided for by law;
- i. Ensure effective implementation of central government programs, projects and services in the county;
- j. Ensure that programs, projects and services of non-governmental organizations are consistent with central and local governments' plans;
- k. Assume all functions of central government ministries, agencies and commissions as shall be determined in schedules set in the administrative procedure manual for local governments; and,
- l. Carry out other functions which may be imposed by law or are incidental to the above.

#### 2.2 Powers and Authority of the County Council

A County Council shall be established within each county with the following powers:

- a. Promulgate county ordinances, rules and regulations for the promotion of peace, unity, reconciliation, maintenance of public order and security, and the delivery of basic public goods and services, consistent with law;
- b. Impose local taxes, rates, duties, fees and fines within limits prescribed by the Legislature;
- c. Establish rules to govern the activities of the Council and the administration of the Council Support Office;
- d. Authorize the issuance of certain licenses and operating permits designated by the Legislature;
- e. Approve the annual county budget;
- f. Approve the county development plan and its implementation;
- g. Recommend to the President through the minister responsible for local government, the establishment of agencies deemed necessary for the good governance of the county; and,
- h. Perform such other actions in furtherance of the aforementioned powers cited above.

- c. The Council shall ensure broad-based citizens' participation in its decision-making on significant issues of the county such as the annual county budget and county development plan. Popular participation shall be ensured through Town Hall meetings and consultations with citizens.

## 2.9 Remuneration

County Council Members shall be paid an honorarium from the county budget. The Legislature shall set the ceiling for such honorarium every four years.

## 2.10 County Council Support Office

- a. Each County Council shall maintain a Support Office, to assist the Council to carry out its functions. The Support Office shall consist of two support staff: a legal officer, and an administrative officer and
- b. The staff of the County Support Office shall be civil servants recruited according to the Civil Service policies, rules and regulations.

## 2.11 Removal of Council Members

Removal of a Council Member shall be for cause determined through due process; and by a vote of two-thirds of the total membership of the Council.

## 2.12 Official Language

The business of the County Council shall be conducted in the English Language, including sign language when the capacity exists; or in any of the local language(s) of the County, as determined by the Council, except that all records and written instruments of the Council shall be in the English language.

## 2.13 County Administration

A County Administration is hereby established in each county.

2.13a County administration shall be comprised of the following:

- i. Superintendent who shall be Chief Executive Officer and overall administrator of the county;
- ii. County Administrative Officer;
- iii. County Finance Officer;
- iv. County Development Officer; and
- v. Heads of County Administrative Departments as provided for in this Act.

2.13b The positions of Superintendent, County Administrative Officer, County Finance Officer, County Development Officer, City Mayor, and Commissioner (Townships and Boroughs) shall be appointed by the President with the consent of the Senate.

2.13c The positions of Heads of County Administrative Departments shall be civil service positions, subject to merit-based civil service standards, rules and regulations. They shall be filled through appointment by the Superintendent from a list of eligible candidates submitted by the Civil Service Agency, taking into consideration the goal of promoting equal representation of women and men to such positions; and

2.13d All personnel of county administrative departments shall also be civil servants subject to merit-based civil service standards, rules and regulations.

- viii. Perform other duties as may be referred by the Superintendent; and
- ix. Report to the Superintendent.

#### **2.14d County Development Officer**

The County Development Officer shall assist the Superintendent in the implementation of all County development projects and programs and shall perform the following duties:

- i. Prepare, through participatory processes, county development plans and programs for submission by the Superintendent to the County Council;
- ii. Supervise the implementation of county development plans, as approved by the County Council;
- iii. Prepare implementation status reports on development projects in the County;
- iv. Monitor and evaluate development programs implemented by the county and other agencies.
- v. Report to the Superintendent.

#### **2.14e Heads of County Administrative Departments**

Heads of County Administrative Departments shall assist the Superintendent in matters relating to their respective departments and shall perform the following duties:

- i. Supervise the affairs of their respective departments within the county;
- ii. Collect, organize and provide district or county-wide data and information in their respective sectors to inform planning and administrative decision-making;
- iii. Provide information or reports to the County Council on the achievements of the plan and activities of their respective sectors, at the request of the Superintendent or the Council itself;
- iv. Undertake other assignments given by the Superintendent that are related to their work; and
- v. Report to the Superintendent.

#### **2.14f Establishment of County Administrative Departments**

Upon coming into force of this Act, each county may gradually establish administrative departments to implement devolved and delegated functions depending upon individual county needs, capabilities and local financial resources to sustain institutions or departments such as:

- i. Department of Planning, Revenue, and Budget;
- ii. Department of Land, Environment and Natural Resource Management;
- iii. Department of Administration and Personnel;
- iv. Department of Public Works and Utilities;
- v. Department of Health and Social Welfare;
- vi. Department of Agriculture and Commerce;
- vii. Department of Education and Sports;
- viii. Department of Information, Culture and Tourism; and
- ix. Community Enterprise Development Agency.

#### **2.14g Operation of County Administrative Departments**

County Administrative Departments shall plan and implement county-wide programs in their respective sectors. They shall work in collaboration with relevant ministries, agencies and commissions of the central government in the implementation of programs undertaken in the county.

#### **2.14h Personnel of Administrative Departments**

- i. Each county administrative department shall be headed by a Director, appointed by the County Superintendent, according to civil service regulations; and

#### **2.15e District Administrative Officer (DAO)-Duties and Powers**

The District Administrative Officer shall be the principal assistant to the District Commissioner in charge of administrative matters. The duties of the DAO shall be to assist the District Commissioner in:

- i. Administering the affairs of the district;
- ii. Coordination of the activities of chiefs in the performance of their duties;
- iii. Management of administrative issues such as personnel and procurement;
- iv. Preparation of annual performance and/or other reports; and,
- v. Maintaining cordial relationships with members of district administrative departments.

#### **2.15f District Finance Officer (DFO) – Duties and Powers**

The District Finance Officer shall assist the District Commissioner in the handling of financial matters of the district; and shall perform the following duties:

- i. Receive, deposit, and secure all funds of the district for administration and development purposes;
- ii. Coordinate the development of district budgets in accordance with county budget guidelines and manage the execution of approved budgets of the district;
- iii. Keep financial records in accordance with standards and procedures approved by the government;
- iv. Prepare periodic financial reports for the district; and,
- v. Cooperate with the appropriate audit agencies.

#### **2.15g District Development Officer (DDO) – Duties and Powers**

The District Development Officer shall assist the District Commissioner in ensuring the planning and implementation of district development programs and shall perform the following duties:

- i. Supervise district needs assessment, development planning, and projects preparation;
- ii. Coordinate development aid within the district;
- iii. Supervise district development programs and projects implementation, including monitoring and evaluation and ensure adherence to the goal of promoting women's rights and gender equality;
- iv. Assist in maintaining cordial professional relationships with heads of county administrative departments;
- v. Coordinate activities of line ministries and agencies implementing activities in the district;
- vi. Coordinate and/or monitor programs and activities of international and local non-governmental agencies working in the district; and
- vii. Obtain inputs from the citizens for the preparation of the plans and budget of the district.

#### **2.15h Chiefdom Administration**

Paramount, Clan and General Town Chiefs shall continue to play traditional roles in their respective local customs, cultures and traditions; provided however, that those customs, cultures, and traditions are supportive of peace and development, and are not inconsistent with the Constitution and laws of the country. Cultural and traditional institutions, practices and governance shall fall under the jurisdiction of the Minister responsible for local government. There shall be a Chiefdom Administration constituted as follows: Advisory Council, Paramount Chief, Chiefdom Clerk and Chiefdom Office Assistant/Messenger.

#### **2.15n Clan Administration**

There shall be a Clan Administration constituted as follows: Advisory Council, Clan Chief, Clan Clerk and Clan Office Assistant/Messenger.

#### **2.15o Clan Advisory Council**

The Clan Advisory Council shall be citizens appointed by the Clan Chief in consultation with the clan chiefs and elders of the Clan. The Council shall be limited to five (5) members who shall work without pay and shall comprise of elders, youth, women and other prominent citizens. The functions of the Council shall be to:

- a. Advise on governance, development, peace, security and reconciliation; and,
- b. Participate in meetings and other activities organized for the general wellbeing of the citizenry.

#### **2.15p Clan Chief**

The Clan Chief shall perform the following duties:

- a. Promote peace, reconciliation and development;
- b. Advise on governance and the overall security;
- c. Coordinate implementation of development projects and programs in the clan; and
- d. Report to the Paramount Chief on the status of the clan.

#### **2.15q Clan Clerk**

The Clan Clerk shall be the principal assistant to the Clan Chief in the administration of the clan and shall undertake the following duties:

- a. Assist in the implementation of development activities in the clan;
- b. Maintain records of finance, administrative and development activities; and
- c. Prepare reports for the Clan Chief.

#### **2.15r Clan Office Assistant/Messenger**

The Clan Chief Office Assistant shall be the general purpose assistant in the office of the Clan Chief and shall undertake the following duties:

- a. Receipt, sorting out and delivery of letters, documents, and reports;
- b. Reproduction, compilation and filing of documents;
- c. Office maintenance and general errands of the Clan Chief Office;
- d. Attend to guests of the Clan Chief; and
- e. Perform other duties as may be assigned.

#### **2.15s Clan Headquarters**

Each clan shall have a permanent headquarters which shall include an office and residence. The Clan Advisory Council shall facilitate consultation with the citizens and shall approve the location of the Clan Headquarters.

#### **2.15t Town Administration**

There shall be a Town Administration constituted as follows: Town Advisory Council, Clan Chief, Clan Clerk and Town Office Assistant/Messenger.

#### **2.15u Town Advisory Council**

The Town Advisory Council shall be citizens appointed by the Town Chief in consultation with the quarter chiefs and elders of the Town. The Council shall be limited to five (5) members who shall work without

pay and shall comprise of elders, youth, women and other prominent citizens. The functions of the Council shall be to:

- a. Advise on governance, development, peace, security and reconciliation; and
- b. Participate in meetings and other activities organized for the general wellbeing of the citizenry.

#### **2.15v Town Chief**

The Town Chief in this Act shall mean the local official provided for in Article 56(b) of the Constitution and shall mean the same as the General Town Chief referred to by the Minister responsible for local government. He/she shall perform the following duties:

- a. Promote peace, reconciliation and development;
- b. Advise on governance and the overall security;
- c. coordinate implementation of development projects and programs in the clan; and,
- d. Report to the Clan Chief on the status of the Town.

#### **2.15w Town Clerk**

The Town Clerk shall be the principal assistant to the Town Chief in the administration of the town and shall undertake the following duties:

- a. Assist in the implementation of development activities in the Town;
- b. Maintain records of finance, administrative and development activities;
- c. Prepare reports for the Town Chief; and
- d. Perform other duties as may be assigned.

#### **2.15x Election of Chiefs**

Paramount, Clan and General Town Chiefs shall be non-partisan and shall be elected in accordance with the Constitution. A candidate shall not present himself or herself as a political party candidate nor campaign on a political party platform.

#### **2.15y Provisional Appointment of Chiefs**

Pending appropriate conditions for enforcement of the Constitution regarding election of chiefs, the elders and members of the chiefdoms, clans and towns, in accordance with their traditions, shall recommend to the Minister responsible for Local Government, through the County Superintendent, for the appointment of individuals to perform the duties and functions of chiefs except that such appointees shall be designated as Acting Chiefs.

### **a2.16 Cities, Townships and Boroughs**

#### **2.16a National Capital**

Monrovia shall be the national capital of Liberia.

#### **2.16b County Capital Cities**

As of the entry into force of this Act, all existing county capitals and other county capitals that may be created in the future are designated as cities.

### **2.16c Other Cities, Townships, and Boroughs**

Existing cities, other than the national and county capitals, and townships, and boroughs shall continue to enjoy their legal status under this Act. However, the Minister responsible for local government shall report to the Legislature on the status of each such city, township and borough seven years following the passage of this Act for the purpose of reaffirmation. Cities that will not meet the criteria set in this Act shall be relegated to a town status.

### **2.16d Criteria for Chartering a City**

Upon the passage of this Act, the National Legislature shall ensure that the following minimum criteria are met for the establishment of cities:

- i. A population of 10,000 people;
- ii. Basic essential utilities for proper human settlement—electricity, pipe-borne water system, sewage service;
- iii. Waste collection and disposal;
- iv. Educational services, particularly primary to secondary schools;
- v. Health services, including clinics, and/or health centers;
- vi. Sports and recreational facilities;
- vii. Zoning into demarcated wards;
- viii. Cemetery;
- ix. Streets and transportation infrastructure;
- x. Transportation services and communication infrastructure; and
- xi. Business services including financial services and shops; and hotels, restaurants and other hospitality facilities.

### **2.16e Townships and Boroughs**

Upon the passage of this Act, the National Legislature shall ensure that the following minimum criteria are met for the establishment of townships and boroughs:

- i. A minimum population of 5,000 people;
- ii. Waste collection and disposal;
- iii. Educational services, particularly primary and junior-high school;
- iv. Health clinics;
- v. Sports and recreation facility;
- vi. Cemetery;
- vii. Transportation infrastructure;
- viii. Transportation services and communication infrastructure; and
- ix. Business services, including motels, restaurants, and shops.

### **2.16f Membership of City and Township and Borough Councils**

For purposes of representation on councils, and for the provision of services, cities, townships and boroughs shall be demarcated into wards. Representation on the councils of cities, Townships and boroughs shall be by wards.

- i. The governance of cities shall be vested in a city council with membership comprising of not less than seven (7) persons;
- ii. The governance of townships shall be vested in a township council with membership comprising of not less than five (5) persons;

## **2.16j Appointment of Mayors, Township Commissioners, Borough Administrators, and Council Members**

- i. City Mayors and Commissioners of townships and boroughs shall be appointed by the President with the consent of the Senate. They shall report to their respective Councils and to the Superintendents of the counties in which their cities, townships and boroughs are located;
- ii. The Mayor of Monrovia, the national capital city, shall report to the Monrovia City Council and to the President of Liberia; and
- iii. Members of City, Township and Borough councils shall be selected by the residents of the wards established in said city, township and borough such that every ward is represented on the council.

## **2.16k Qualifications for City Mayor, Township Commissioner and Borough Administrators**

City Mayor, Borough or Township Commissioner shall meet the following eligibility requirements:

- i. Must be a Liberian citizen;
- ii. Must have attained the age of not less than twenty five (25) years;
- iii. Must be domiciled in the City or Township for at least one year immediately prior to the date of appointment;
- iv. Must not have been convicted of a criminal offense;
- v. Must have obtained a first degree from an accredited college or university, except for Township Commissioners, who must have obtained an associate degree or high school/West African Examinations Certificate; and
- vi. Must not have any outstanding past due tax obligations.

**2.16l An aspirant for the position of city, township and borough council member shall meet the following eligibility requirements:**

- I. Must be a Liberian citizen;
- II. Have attained the age of twenty five (25) years;
- III. Be domiciled in the city or township for at least one year immediately prior to the date of selection;
- IV. Must not have been convicted of a criminal offense;
- V. Must have obtained the minimum of a high school diploma and certificate;
- VI. Must not have any outstanding past due tax obligations.

## **2.16m Council Meetings**

A City, Township or Borough Council shall meet at least once every three months in regular sessions or in special and emergency sessions as situations may warrant from time to time.

## **2.16o Tenure of Office Holders**

Members of the respective councils shall hold office for a term of four (4) years and shall be eligible for re-election for an additional term and no more.

## **2.16q Removal of Council Members**

Removal of a Member of City or Township Council shall be by vote of members of the council and shall be for cause consistent with the charters creating the cities and townships; and

## **2.16r Vacancy within a Council**

shall be submitted to the minister responsible for local government and disseminated to their respective County Councils.

### 3.7 Council Funding

The Minister responsible for local government shall ensure that there is an annual budgetary line item for the operations of the National Council of Chiefs. Members of the Council shall be paid an honorarium for their participation in bi-annual and emergency meetings. The minister shall set the ceiling for such honorarium.

### 3.8 Council Support Office – Functions and Structure

A Council Support Office is hereby established to assist the National Council of Chiefs to carry out its functions.

3.9a The Council Support Office shall be responsible to:

- i. Provide technical, administrative and financial services support and overall coordination of the affairs of the Council;
- ii. Assist the Council in the conduct of its affairs; and ensure transparent, and accountable use of the financial, logistics and other resources allocated to the Council;
- iii. Liaise with stakeholders and the Minister responsible for local government on all matters of the Council;
- iv. Serve as custodian of records of the National Council; and prepare draft programs and project documents including annual work plans and operational budgets; and,
- v. Prepare reports.

### 3.9b Structure of the Council Support Office

The structure of the Council Support office shall consist of a Principal Director who shall serve as executive head of the office, with three divisions of which two shall be headed by two Policy Analysts (1 for Culture and Traditional Affairs, and 1 for Peace building and National Reconciliation); and one Finance Officer responsible for financial management. The office shall also be supported by a 5-person lower-level office staff. Employees of the County Support Office shall be civil servants recruited according to the Civil Service rules and regulations.

### 3.9c Location of Council Support Office

The Support Office of the National Council of Chiefs shall be located in Monrovia under the supervision of the Minister responsible for local government.

- b. The agency responsible to administer collection of real property tax shall continue to collect said tax for local governments;
- c. The agency responsible to administer real property tax shall make a monthly report of revenue collected to the Minister responsible for Finance and to the counties. Subsequent to that report, the funds shall be transferred to the respective county revenue fund;
- d. With the establishment of county administrations, the reports of property conveyances and deeds submitted to the Minister responsible for Finance on the first of each month as per the Revenue Code of Liberia shall also be submitted to the respective county governments on the same day;
- e. The Legislature shall adopt a plan to transfer the administration and collection of the property taxes to the county property tax office within five [5] years of the establishment of county local governments;
- f. The Central Government, represented by the Minister responsible for finance shall develop during this five-year period, the capacity of the counties to take over the collection of the property taxes;
- g. During this five-year transition period, counties, cities, townships and boroughs shall collaborate with the agency responsible to administer property tax with relevant information on properties, owners, and other parameters to be defined. The aim shall be to develop an automated property tax base, thereby improving revenue collection performance for real property tax in their respective jurisdictions, in preparation of the transfer of collection authority. The mechanisms and format for this transmission or sharing of this information shall be defined by the agency responsible for tax administration; and
- h. As required, amendments to the relevant sections of the Revenue Code of Liberia shall be made to ensure implementation of the real property tax and income there from for county, city, township and borough governments.

#### **4.6 Business Licenses and Permits**

Counties, cities, townships and boroughs shall collect fees for issuance of annual business licenses and operating permits, regulated under the Revenue Code of Liberia for individuals who practice a profession, or for operating trades or businesses. These shall include:

- a. Practicing fees paid by accountants, lawyers, pharmacists, surveyors, building contractors, engineers, etc.
- b. Operation of cinemas, bars, night clubs, musical and places of entertainment;
- c. Operation of retail businesses such as shops, stores, supermarkets, bakeries, restaurants, "cook shops", "tea shops", hotels, motels, barber shops, liquor retailers, local alcohol distilleries and breweries, motor vehicle repair garages, dry cleaners, building materials, etc.;
- d. Licensing of small canoes and attendant fishing gears;
- e. Operation of car wash lots;
- f. Operation of power chain saws for extraction of timbers;
- g. Operation of slaughterhouses;
- h. Operation of motorbikes commonly called "Pem-Pems";
- i. Community radio/television stations, newspapers, etc.

- b. The rates of these charges shall be set by the respective local councils and the local rates adopted. The rates of these charges shall be set by the respective local councils and the local rates adopted shall be posted in public places in county capitals as well as in cities and townships;
- c. Each county, city and township council shall determine the means of collection of these charges. Their collection may be outsourced in accordance with the relevant provisions of the Public Procurement and Concessions Act.

#### 4.12 Revenues from Rental of Assets

- a. County, city and township governments may raise revenues from the rental of public facilities such as:
  - i. Administrative halls;
  - ii. School buildings;
  - iii. Soccer and other sports stadiums;
  - iv. Gymnasiums; and,
  - v. Other recreational facilities.
- b. The rental of these facilities shall not interfere with their main purpose to serve for the provision of public services and access.

#### 4.13 Fees and Charges for Provision of Delegated Services

- a. County governments shall provide services on behalf of central government ministries or agencies and shall collect fees and charges for the provision of these services, which may include, but not limited to:
  - i. registration and issuance of birth certificates and death certificates;
  - ii. registration and issuance of marriage certificates;
  - iii. reproduction of public records and documents;
  - iv. land registration;
  - v. building construction permits;
  - vi. tribal land registries; and
  - vii. Certification of traditional herbalists.
- b. The rates of these fees and charges shall be set by the ministry responsible for finance in consultation with the respective delegating ministry or agency, and posted visibly and publicly in the place where the respective services are provided;
- c. Each delegating ministry or agency shall also provide via regulation the respective protocols, standards and requirements for providing the services that are delegated.

#### 4.14 Fines

- a. County, city and township governments may levy fines for violation of their ordinances.
- b. The Minister responsible for Finance, in consultation with the Minister responsible for Local Government shall provide guidance and standards for the development of these fines.
- c. The rates of county, city and township fines as adopted by the respective local government council shall be posted in public places in county capitals as well as in cities and townships.

#### 4.15 Transfers and Grants from Central Government

Counties, cities and townships shall receive the following transfers and grants from the central government:

- a. General Fund;

#### 4.18 Earmarked Transfers for Devolved Functions

- a. The central government shall establish transfers for counties, cities and townships to finance functions and responsibilities devolved from central government;
- b. Transparent and equitable allocation formula for each sector for which functions are devolved shall be developed by the Local Government Fiscal Board, and the criteria for each sector formula linked to the specific parameters of the functions being devolved; and
- c. Respective sector ministries and agencies will be required to provide detailed and accurate data for the respective devolved functions on current funding levels and other information for each county, city and township.

#### 4.19 Earmarked Transfers for Delegated Functions

- a. The central government shall ensure that the required funding to carry out delegated functions is made available to counties, cities and townships; and
- b. Respective sector ministries and agencies will be required to provide detailed and accurate data for the cost to implement delegated functions for each county, city and township.

#### 4.20 County Social Development Fund

The central government shall transfer to county governments impacted by the operations of concessions, the annual contributions agreed in the concession agreements signed between the companies and the Government of Liberia.

#### 4.21 Obligation to Ensure Timely Transfer of Funds

Upon the adoption of the national budget, the minister responsible for finance shall issue a regulation with the timetable for transferring the various funds and grants to counties, cities, and townships over the course of the fiscal year.

#### 4.22 Funding of Sub-County Structures

- a. The county budget should include budget support for local administration and local development project support to districts, chiefdoms, clans and general towns; and
- b. In conformity with the national budget guidelines issued by the Minister responsible for Finance, the County Finance Officer will provide detailed guidelines for budget preparation for Districts and Chiefdoms, and subsequent submission to the county for purposes of inclusion in the county budget and final approval by the County Council. District Commissioners and Paramount Chiefs will prepare their budgets in accordance with the guidelines issued.

#### 4.23 External Grants from Donor Community

County, city and township governments shall access fiscal resources from the donor community for specific development purposes through mechanisms established and approved by the central government.

- b. All overdrafts must be repaid in full by the end of each fiscal year; and
- c. No overdrafts may be authorized during the first sixty [60] days of the fiscal year, bar. exceptional circumstances.

#### 4.25 Use of Facility

The following shall be conditions under which the facility may be accessed:

- a. Delay in receipt of scheduled transfers from the central government; or
- b. Response to a local emergency or natural disaster requiring access to budget contingency fund

The minister responsible for finance shall issue further guidelines for the application process and approval criteria, pricing, oversight, and repayment procedures for county, city and township access to the short term liquidity overdraft facility.

The minister responsible for local government shall be informed of all requests for use of the overdraft facility made by the local governments.

#### 4.26 Local Government Fiscal Board

There is hereby established, an autonomous National Local Government Fiscal Board for the purpose of:

- a. Making annual recommendations to the Legislature with copy to the Minister responsible for Finance and the Minister responsible for local government of annual grant allocations to counties, cities and townships for the grant funds defined above, and with the objective to ensure that the financing of local government is equitable and transparent;
- b. Reviewing and commenting on any draft laws / decrees which will have an impact on county, city and township finances, such as transfer of new responsibilities and the associated financing, changes to tax laws, amendments to this Act, etc.;
- c. Periodically reviewing and making recommendations to the Legislature on the composition of own source revenues with eventual proposals for sharing of specific national tax revenues to be allocated to counties, cities and townships; and
- d. Carrying out periodic (every 5 year) reviews of the overall local government financing system and making recommendations to the Legislature to ensure stable and equitable financing of counties, cities and township.

#### 4.27 Independence of the Local Government Fiscal Board

The Local Government Fiscal Board shall carry out its analysis and make its proposals to the Legislature independent of the Minister responsible for Finance, Minister responsible for Local Government, other central government ministries and agencies and from local governments.

#### 4.28 Membership of the Local Government Fiscal Board

The Local Government Fiscal Board shall consist of seven [7] members. They shall be appointed by the President, from among experts nominated by the:

- a. Minister responsible for Finance (1 member);
- b. Minister responsible for Local Government (1 member);
- c. Director-General of the Civil Service Agency (1 member);
- d. Liberia Institute for Statistics and Geo-Information Services (1 member);
- e. Representative of county superintendents elected by the Superintendents (1 member);
- f. Representative of cities selected by the City Mayors (1 member); and
- g. Representative of townships selected by the Township Commissioners (1 member)

The county government shall establish an Aid Coordination Unit under the office of the County Development Officer. The functions of this Unit shall include:

- a. Registration of the development partners operating in the county;
- b. Development of a database of development activities by sector and location in the county;
- c. Harmonizing interventions by development and implementing partners with county development plans and budgets;
- d. Ensure that agreed program activities to be implemented are in conformity with the priorities stipulated in the approved County Development Agenda;
- e. Ensuring that recurrent implications of development interventions are budgeted and accounted for to ensure sustainability; and
- f. Preparing an annual report to be reviewed by the County Council for onward transmission to the National Aid Coordination Unit in the ministry responsible for finance.

#### **4.33 Financial Management**

The public financial management for the devolved local government structures shall be subject to the existing laws such as the Public Finance Management Act, 2009. The management of public finances of counties, cities, townships and boroughs shall be guided by principles of accountability, unity of the budget, and balanced budget.

##### **4.33a Unity of the Budget**

- i. County, city, township and borough budget is the instrument for approving the annual estimates of respective local government revenues and expenditures; and
- ii. Annual budget estimates shall be in a single document and adopted by an annual budget ordinance, including both recurrent and capital expenditures;

##### **4.33b Balanced Budget**

- i. In the budget, expenditure outflows shall be balanced by revenues and shall not include financial inflows such as borrowing; and
- ii. Recourse to the short-term liquidity overdraft facility shall not be budgeted and any funds obtained from the facility shall be repaid within the respective fiscal year.

**4.33c** There shall be no expenditure activities outside of an approved budget, except in cases of emergencies. However, emergency expenditures outside of the budget must be approved under regulations issued by the Minister of responsible for finance in consultation with the minister responsible for local government and the Chairman of the Public Procurement and Concessions Commission.

##### **4.33d Revenue Fund**

Revenue Funds shall be established for county, city, township and boroughs.

- i. All revenues received by counties, cities and townships, pursuant to this Act shall be deposited into the Revenue Fund;
- ii. The finance officer has the authority to manage the Revenue Fund to allow for an effective and efficient cash management; and
- iii. The functioning and rules which govern the Revenue Fund shall be further specified by regulations to be issued by the Minister responsible for Finance.

##### **4.33e Financial Year**

#### 4.37 Internal Audit Unit

There shall be an Internal Audit Unit established by the Internal Audit Secretariat in each county, city and township, which shall comprise at least one (1) Internal Auditor. Further organization of the Internal Audit Unit shall be determined by the Internal Audit Secretariat.

#### 4.38 Contracts and Procurement

- i. All purchases of goods and services from suppliers, including capital investments shall comply with the provisions prescribed in the Public Procurement and Concessions Act of 2005, as amended, and its enabling regulations;
- ii. All contracts, including those established through the simplified Local Purchase Order mechanism shall be considered commitments of the local government;
- iii. All contracts should as closely as possible be reflected in the annual procurement plan of the local government, as required by the Public Procurement and Concessions Act; and
- iv. The Public Procurement and Concessions Commission shall prepare additional regulations and guidance for procurement by local governments.

#### 4.39 Outsourcing of Certain Services

To reduce recurrent costs and enable the local government to focus on its core business, local government shall outsource certain category of jobs such as security services, janitorial services, gardening and landscaping, carpentry, plumbing, electrical and mechanical services, tile/carpet laying, cooking, painting, bricklaying, roofing, and general laboring. These and similar services shall be outsourced to competent individuals or private sector firms through transparent and merit-based, competitive processes in compliance with the provisions of the Public Procurement and Concessions Act and its regulations.

- i. Physical and social infrastructures such as roads, bridges, schools, health facilities, sports and recreation facilities, parks, and conservation reserves;
  - ii. Delivery of social services, including electricity, water and sanitation, solid waste management, education and health services; sports and recreational services;
  - iii. Productive activities such as agricultural production;
  - iv. Capacity building in human and non-human resources;
  - v. Disaster preparedness and response;
  - vi. Special programs for youths, women and children, people with disabilities and minority groups; and
  - vii. Promotion of peace and social cohesion.
- d. The County Development Agenda will incorporate annual work and implementation plans to ensure its realization.
  - e. The County Development Agenda shall be approved by the County Council and submitted to the central government through the minister responsible for local government to inform the overall national development agenda.
  - f. Annualized components of the County Development Agenda shall be submitted timely through the minister responsible for local government, to the Minister of Finance and Development Planning for inclusion in the national budget 3 months prior to the end of the current fiscal year.

#### **5.4 District Level Development Planning**

- a. Under the direction of the County Development Officer, there shall be a planning unit established at the district level. The unit shall be responsible for the development of district development plans which shall cover all chiefdoms of the district. District-wide development plans shall be incorporated in the County Development Agenda.
- b. The district development planning processes shall be similar to those of the county development planning unit.
- c. The Minister responsible for Local Government shall provide guidelines, including templates for the structure and content of district and county development agendas and annual implementation plans.

#### **5.5 Development Planning in Chiefdoms**

- a. Development Focal Persons shall be appointed in chiefdoms by the District Commissioner for the purpose of overseeing development planning activities in the chiefdoms. Their primary function shall be to oversee the collection of relevant development information and data required by the district development units; and
- b. The County Development Unit shall provide capacity building training for district development planning personnel and chiefdom focal persons.

#### **5.6 Monitoring and Evaluation**

In conformity with the practices of good governance, local governments shall, in collaboration with the Governance Commission, undertake performance monitoring and evaluation of their programs. The Minister responsible for Local Government shall prescribe the frequency, coverage and form which monitoring and evaluations shall take.

b. Specifically, local governments shall ensure that:

- i. The physically challenged have access to participation in local government decision-making and to user-friendly, physical infrastructures;
- ii. The physically challenged have equal access to employment and social services being provided the people;
- iii. Local government programs are children-friendly and responsive to the needs of orphans and abandoned children;
- iv. Local government programs take into account the needs of the elderly in local communities; and
- v. Local government health services programs attend to the needs of persons mentally challenged.

**b. Mobility within the Service**

The Civil Service Agency shall issue a standing order to ensure that there is mobility, both vertically and horizontally, within the civil service, allowing for upward career growth, development and movement as well as cross-agency and cross-county-of-origin recruitment, placement, and transfers such that employees, or certain category of employees, of an agency or local government are not predominantly from one gender or region of the country.

**c. Rotational Assignments**

The Civil Service Agency shall ensure that civil servants who occupy the following positions in local governments are rotated from one county to another after having served for a period of four (4) years in a particular county:

- i. County Administrative Officer;
- ii. County Finance Officer; and
- iii. County Development Officer.

## Chapter 9

### Miscellaneous Provisions

#### 9.1 Oath of office

All local government officials shall, before taking office, take a solemn oath affirming their loyalty to the sovereign state of Liberia and pledging that they will uphold the Constitution, the local government laws and all other laws of Liberia, as well as perform the duties and functions that have been assigned to them.

#### 9.2 Incorporation of Counties, Cities, Townships and Boroughs

Counties, cities and townships shall be established by the Legislature with perpetual succession and a common seal and shall have the right to invest in and own real property; levy taxes, fees and charges on residents under delegated authority from the Central Government from which a county, city and township shall fund its budget, without prejudice to taxes, fees and other charges imposed by and collected for the central government.

#### 9.3 Councils' Power to Make Bylaws or Adopt Internal Rules

County, city, and township councils shall make bylaws and/or adopt internal rules to govern their operations regarding matters such as procedures for introducing draft regulations and ordinances, debates, attendance of meetings, standing committees, quorums, and voting, provided that such bylaws and/or internal rules are not inconsistent with the Constitution, this Act, and other enacted laws of the country, or their own ordinances.

#### 9.4 Minister to provide Guide lines for By-Laws

The Minister responsible for Local Government, in consultation and collaboration with other relevant central government officials, shall provide guidelines, including templates, to facilitate county, city, and township councils to develop by-laws or internal operating procedures.

