

**AN ACT TO FURTHER AMEND THE NEW
EXECUTIVE LAW, TITLE 12, OF THE LIBERIAN
CODE OF LAWS REVISED, AMENDED, ADDING
THERE TO A NEW CHARTER 50B**

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An act to further amend the new executive law, title 12, of the Liberian code of laws revised, as amended, adding thereto to a new
Charter 50B

Whereas a comprehensive peace agreement was executed by and between the warring parties to include the government of Liberia (GOL), the Liberia united for reconciliation and democracy (LURD) the movement for democracy in Liberia (model) and the political parties including the civil societies on august 18, 2003 A.D. Accra, Ghana that created the national transitional government of Liberia (NTGL):

Whereas, the NTGL in close collaboration with the United Nations development group has prepared a result focused-transitional frame work (RFTF) for the rehabilitation and reconstruction of Liberia

To include the development needs of the communities;

Whereas, poverty in the nation is pervasive with the poor found throughout the country amongst the household engage in subsistence farming as the main soul of their livelihood, thereby suggesting the need for some social fund arrangement to cater specifically to the needs of the poor in the nation;

Whereas, social funds are effective development tools to improve the living standards and conditions of the poor community persons and derive their success from empowering communities to make their own choices

Whereas, community involvement in the initiation, planning, implementation, operation, maintenance and evaluation project lead to more sustainable results;

Whereas, social fund appraise projects identified by communities and local level institutions as well as finance supervise their implementation by those local groups;

Whereas, social fund have demonstrated the capacity to mobilize substantial financial resources from development partners; and

Whereas, development partners appreciate flexibility and efficiency in implementing Projects at the community based or village level and deemed transparency accountability



NOW THEREFORE

It is executed by the national transitional legislature assembly:

Session 1: amendment title 12: immediately upon passage of this Act, Charter 50B Part IV of the afforested new executive laws is here by amended to provide for the creation of a new charter 50B to be styled, known and read as follow:

Charter 50B: the Liberia agency for community empowerment (LACE)



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Section 50B.1. Shall be cited at the community empowerment at (TBA)

Section 50B.2. Agency established: there is here by established the Liberia agency for community empowerment-incorporated (LACE), a socio economic development fund hereinafter known and referred to as “the Agency which shall be incorporate body with perpetual and common seal.

Section 50B.3. Definitions and interpretations: in this act, the following terms shall have the indicated meaning:

Agency means the Liberia agency for community empowerment (LACE) a socio economic development fund;

B.O.D means BOARD OF DIRECTORS of the agency;

Community means local or village level institution, or inhabitants in the forest sections or area of Liberia;

Development partner means those local and international donors to used socio fund or activities here under;

Executive director means the chief executive officer of the agency;

Government of Liberia means the national transitional government of Liberia (NTGL);

Millennium development goals (MDGs) means engendering of national initiative and strategies geared toward alleviating poverty and achieving set development goals within the Millennium;

“**Operations Manual** means operation manual of the agency”

“President means the head of state or president of the republic of Liberia;” and

“Socio fund means the fund set aside by the government and development partners, with input from time to time by the communities, specifically for local or village level development;”

Section 50B.4. Powers of the president: in keeping with the provision of his act, the president shall exercise the following powers:

- a. appoint the members of the board of directors
- b. Approve incentives and benefits to members of the board of directors



- c. Approve from time to time recommendations of the board of directors; and
- d. Received and review annual and other reports from the board of directors.

Section 50B.5. **Goals:** the primary goals to be accomplished by the agency are to engender national initiatives and strategies geared towards alleviating poverty and towards reaching the millennium development goals.

Section 50B.6. **Objective:** the objectives of the agency shall be as follows:

- a. To improve the living standards of the poor communities through the provision and strengthening of basic social services;
- b. To enhance the income generating capacity of poor communities laying down economic infrastructure and providing services;
- c. To promote community base approach in project identification, preparation, implementation, administration, maintenance;
- d. To assist in the formation and development of the self-sustaining institutions to provide other service to the poor; and
- e. To assist community based organizations develop their technical and managerial capacities in all aspects of project activities.

Section 50B.7. **Powers:** Agency shall have and exercise the following powers:

- a. To formulate policies and utilize strategies for the effective implementation of program geared toward poverty reduction;
- b. To supervise, monitor and evaluate their implementation of the projects it finance with the aim of improving their performance and impact;
- c. To organize community training programs to enhance participation capabilities of community based organizations (particularly and women, children youths and other disadvantaged groups) in all aspects of the projects activities;
- d. To own poverty



- e. To enter into any contracts necessary for the existence and operation of the Agency; and
- f. To sue and sued in its own name.

Section 50B.8. **Functions:** The function of the Agency is as follows:

- a. To formulate policies and utilize strategies for the effective for the implementation of program toward geared poverty reduction;
- b. To finance projects of poor communities and disburse to these communities fund provided for then in support of poverty reduction;
- c. To supervise, monitor and evaluate the implementation of the projects it finances with the aim of the improving their performances and impact;
- d. To provide the assistance in the establishment and strengthening of basic social services;
- e. To provide assistance in the creation of employment opportunities through the execution of projects at the local level and through the provision of other innovative services, on a pilot basic, with the aim of promoting sustainable income generating activities;
- f. To organize community training programs to enhance participation capabilities of community based organizations (particularly women, children, youths and other disadvantaged groups) in all aspects of the projects activities;
- g. To encourage women to participate in all projects;
- h. To enter into any contracts necessary for the operation of the Agency;
- i. To organize and conduct annual national review workshop involving at most (2) representatives per each stakeholder, including implementing partner development partners and sister institution operating in and outside of Liberia;
- j. To own property;
- k. To sue and to be sued in its own name;



- l. To perform any other functions or activities as are necessary for the development of the Agency;

Section 50B.9. Share of Agency; the maximum number of shares of the Agency is authorize to have outstanding at any time is one (1) shares of common stock at no par value, which shall be bearer shares issued in the name of the republic of Liberia.

Section 50B.10. Board of directors established; the board of directors (hereinafter known and referred to as the board) shall be the governing and policy making body of the Agency that will ensure that the Agency operates with in the provisions of its mandate in accordance with this act.

Section 50B.10.1. Board of director's composition; the board of directors of the Agency shall be composed of the following nine (9) members:

- a. A private person appointed as chairman of the board by the president
- b. The minister of planning of economic affair of his or her principal deputy as co-chairman;
- c. The minister of Gendered of his or her principal deputy member;
- d. The minister of internal affair of his or her principal deputy member;
- e. One eminent representative from the civil society organization- member
- f. One representative of non-Government (NGO) woman organization- member.
- g. One representative of other non-Governmental organizational(NGO); and
- h. Two representatives of two development partners as recommended by the board of the president of the Liberia

Section 50B.10.2. Appointments on the board; the president of Liberia shall appoint all members of the board.

Section 50B.10.3. Tenure of the board; Except for the Government ministries, all other members of the board of directors of the Agency shall serve for a period of two years subject to reappointment for a similar period.

Section 50B.11. Powers and functions of the board of directors; the powers and functions of the board of directors of the Agency shall be as follows:



- a. Shall provide overall policy guidance in the management and operation of the Agency;
- b. Shall provide direction and guidance in the interpretation of Government sectoral policies;
- c. Shall appoint the executive director, deputy executive director for administration and the finances director of the Agency;
- d. Shall review and approve, from time to time, the terms of reference (TORs) and association of fees of national or international consultant / technical advisors required by the institute;
- e. Shall dismiss for cause the executive director, deputy executive director and or finance director
- f. Shall approve the operation manual and the manual of administrative, Accountant and financial procedures of the Agency;
- g. Shall approve the annual budget and work program of the Agency
- h. Shall approve the annual operation and financial report of the Agency;
- i. Shall approve the number and types of budget positions, the conditions of employment and the salary scale for officers and staff, the modalities of employment by the executive director of officers and staff of the Agency, other than the deputy executive director and financial director;
- j. Shall approve the establishment of any regional office, if justified by the volume of activities and with due regard to costs;
- k. Shall submit to the president of the republic annual reports and other may be requested relevant to the Agency:
- l. Shall, to the extend necessary, recommend to the president of the republic amendments to the provisions of this executive order:
- m. Shall approve the common seal (Corporate seal) of the Agency and
- n. Shall decide on other policy matters of the agency;

Section 50B.12.

Meeting and procedures of the board:



The meeting and procedures of the board shall be as follows:

- a. The board shall meet once every three months: provide, however, extraordinary meeting may be held time at the call of the chairman of the board;
- b. Those five members of the board shall constitute a forum;
- c. That decision of the board shall be made of simple majority vote of the members presents, in case of the tie; the chairman shall have a casting vote;
- d. That whenever at a special occasion that the board desires, too obtain the advice of any person on any particular matter, the board may co-opt, such person and that person, whist coopted, shall have all rights and privilege of a member, save the to vote on any issued ; and
- e. That the board may adopt its own rules of procedures.

Section 50B.13. Secretariat of the board: The headquarters of the agency shall provide the secretariat of the board. The executive director shall serve as the secretary to the board and shall attend all meetings of the board, but shall have no voting right

Section 50B.14. Appointment of the executive director: The executive director shall be the chief executive of the agency responsible for carrying out the day to day running of the agency and shall be appointed by the board of directors of the agency:

Section 50B.15. power and functions of the executive director : The power and functions of the executive director of the agency shall be exercise as follows:

- a. Shall be responsible for day to day running of the agency;
- b. If and when necessary, shall recommend to the board for review and approval of the terms of reference (TORs) associated fess of national or international consultant/ technical advisor required by the institute;
- c. Shall exercise the power and functions of the agency as provided for in 50B and 50B.8. Hereinabove;
- d. Shall coordinate all the agency activities including the preparation of the implementation of the annual work program and budget, in accordance with the Agency's operating manual and the agency manual of administrative, accountant and financial procedures:



Section 50B.16. **Conditions of service of the executive director:** conditions of service of the executive Director shall be as follows:

- a. The authority to determine the terms and conditions of services of the executive director as regards remuneration disciplinary control or otherwise shall be vested in the board as provided for in section 50B.11.f and g hereinabove; and
- b. Shall hold office for a term of (2) years in the instance, and such appointment shall be subject to renewal for other term of two years.

Section 50B.17. **Employment of other officers and staff:** employment of other officers and staff of the agency shall be as follows:

- a. the board shall authorize the employment of other officers and staff as it may consider necessary for the proper and efficient conduct of the business of the agency, upon such terms and conditions as to remuneration or otherwise as it may determine, the board may prescribe regulations with respect to recruitment, promotion, dismissal and disciplinary control of officers and staff of the agency, those regulations will be incorporated into the agency's manual of administration, accountant and financial procedures, which will also include job descriptions and the qualification and experience required for the positions;
- b. the board shall appoint the deputy executive director in charge of administration and the finance director of the agency who shall be Liberian citizen recruited through an open competitive selection process, the recruitment shall be in accordance with strict provisions of the agency's manual of administrative, accountant and financial procedures; and
- c. That except for the deputy executive director in charge of administration and the financial director, all other officers and staff shall be recruited through an open competitive selection process, in accordance with the strict provisions of the agency's manual of administrative, accounting and financial procedures.

Section 50B.18. **Organization:** the Liberia agency for community empowerment (LACE) A -socio economic development shall consist of but not limited to the following organizational divisions:

- a. The division of administration: and



- b. The division of finance.

Section 50B.19. Division of administration: the functions of the division of administration shall include but not limited to the administration of internal and external affair of the agency, including the provisions of administrative support in the running and day to day management, operation, logistic, promotion, personnel and internal regulations, the deputy executive director shall oversee the division of administration as provided for in section 50B.11. c and in accordance with section 50B.17.b.c and section 50B.18a.

Section 50B.20. Division of finance: the functions of the division of finance shall include but not be limited to, overseeing all financial affairs of the agency provision as to include preparation of the fiscal budget, financial report, approved expenditure and disbursements of the agency, and shall be in charge of the financial division provided for in section 50B.11.c. in accordance with section 50B.18.b.

Section 50B.21. Nature of the agency: The agency shall be a non-for-profit organization

Section 50B.22. Selection of projects: project section shall be based on a demand driven approach, the agency shall not itself identify projects, but shall select from among those proposed by beneficiary communities.

Section 50B.23. Implementation of projects: The agency shall not implement projects, small co-operate with communities of other implementing bodies selected by the communities, it shall support and facilitate the efforts of local communities and provide expertise in project implementation and management for communities that lack the skill or know how to act alone.

Section 50B.24. Budget: The financial provisions shall be acquired and applied as follows:

- a. The budget of the agency shall be drawn from financial contribution by the government of Liberia and development partners and the community at large, and



- b. That all funds reviewed of the agency shall be applied in accordance with the conditions attach to their releases. Funds provided by the development partners shall be utilized in conformity with the credit grant agreement under which contributions have been made.

SECTION 50B.25. Procurement and disbursement procedures: the agency shall have its own and procurement disbursement procedures as provided for in its manual.

Section 50B.26. System of accounts: the agency shall maintain proper and appropriate system of accounts for the purpose of transparency and accountability:

Section 50B.27. Source of funding: the government of Liberia, development partners and the community at large, shall provide funding for the agency: such funding shall be in the form of credit, donations and grants,

Section 50B.28. Fiscal year of the agency: the fiscal year of the agency shall be in conformity with the fiscal year of the government of Liberia.

Section 50B.29. Audit: the bureau of general audit as well as internal auditors appointed by the board in accordance with procedures approved by development partners if applicable, shall audit the accounts of the agency annually commensurate with the fiscal period of the agency, the fees and expenses for the audit shall be paid or cause to be paid by the agency upon completion of the audit of accounts, the board shall forward to appropriate authorities, and any relevant development partners, a copy of the financial statements – income and expenditure accounts, balance sheet and cash flow together with the report of the auditors herein, in line with the funding agreement.

Section 50B.30. Agency's of manual(s): As approved by the board of directors of the agency, the operational manual and the manual of administrative, accounting and financial procedures shall be strictly adhere to, to ensure transparency as provided for under section 50B.11.e.

Section 50B.31. common seal: upon its establishment, the agency shall provide itself with a common seal (corporate seal) as provided for in section 50B.3.judicial notice shall be taken of the common seal of the agency of every document purporting to an instrument made by the agency and to be authenticated in accordance with this act shall be received in evidence and deemed to be such instrument without further proof unless the contrary is shown. The common seal shall be authenticated by



the chairman, or in his/her absence the co-chairman, and the executive director of the agency.

Section 50B.32. This act shall takes effect immediately upon publication, any law to the contrary with notwithstanding.

