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**THE MODEL CITY STATUTE FOR THE LIBERIAN
CITY**

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TABLE OF CONTENTS

Introduction.....	4
Literature Review: The Architecture of City Governance.....	6
The Creation of a City Government.....	6
The Models of City Government.....	7
The Framework of the Study.....	8
The Context: Liberia’s Unitary State System and City Government.....	9
The origins of Liberia’s unitary state system...	9
City government in the Liberian unitary state system...	10
Rethinking Central Government-Local Government Relations.....	12
The Decentralization policy framework.....	12
The Implications for city government.....	13
Redesigning City Government in Liberia: The Elements of the Model City Statute.....	13
Background.....	13
The general principles of governance.....	13
The Definition of a city.....	14
The types of cities.....	15
The criteria for city status.....	15
The organizational structure of city government.....	16
The functions of a city.....	19

The powers of a city.....	19
City governance: principles and ordinances.....	20
City regulations on layout, zoning and land-use.....	21
The Guidelines for city planning, the formulation....	21
of a development plan, and service delivery	
Budget, revenues and expenditures.....	23
Internal audit and oversight.....	25
Conclusion.....	26.
References.....	27

INTRODUCTION

The power relations between a central government and the local levels have emerged as a major issue in the peace-building projects of various post-conflict societies (Ernstorfer et al, 2007; Braathen and Hellevik, 2008; Dabo et al, 2011). The central emergent issue is the realization that the concentration of powers at the “center” adversely affects governance, and the associated ramifications for democracy and development. In the case of democracy, citizens at the local levels are marginalized, and therefore do not participate in the making of the decisions and the resultant public policies that affect both the broader polity and their respective localities. Consequently, citizens become “spectators” in the “game of elite politics.” As well, local governments simply become transmission valves for the implementation of the policies of the central government; policies that they did not participate in formulating. Similarly, on the development front, the concentration of powers at the “center” militates against the undertaking of local initiatives and ownership.

Cumulatively and over time, the citizens at the local levels become alienated from the state, and consequently view the construct as irrelevant to their lives. Furthermore, alienated citizens treat the state as an irritant to be avoided, and even cheated. This then sets into motion the twin processes of state failure and the state collapse (Kieh, 2012). That is, the unwillingness of the state to cater to the needs of its citizens leads to process of the state collapse—the erosion of the legitimacy of the state (Kieh, 2012). When the process of state collapse reaches its terminal phase (Kieh, 2012), usually violent conflict ensues with its labyrinthine of adverse consequences, including deaths, injuries, internal displacement and refugee crisis.

In the Liberian case, the crisis of governance has been an enduring feature of the polity. Shaped by the vagaries of Liberia's absolutist unitary state system, particularly its pivot the hegemony of the "center," the crisis of governance was one of the major contributing factors to the country's two civil wars (1989-1997, and 1999-2003). The United Nations Development Program (2006:1) provides an excellent summation of the bad or poor governance-civil conflict dynamic in Liberia:

There is overwhelming consensus among Liberian policy-makers, leaders and civil society activists that the persistent absence of [democratic] governance has been the cause of social and economic hardships, and the political crisis that culminated in the civil war.

As Liberia pursues its second post-conflict peace-building project, the issue of democratic governance, especially the dimension of "center-periphery" power relations, need to be accorded priority. As part of this process, local governance at the city level should be of importance. This is because, among others, as Slack(2003:2) notes, "...cities and city regions are the major drivers of economic prosperity for the countries in which they are located...cities are key to innovation—they are places where workers, capital, institutions and infrastructure come together to provide the foundation for economic activity."

Against this background, the central purpose of this study is to develop the major elements for a proposed statute that will serve as the legal-political architecture for city governance in Liberia. In order to pursue this objective, the study is divided into six major parts. The study begins with literature review on the architecture of city governance. The goal is to benefit from the "lessons learned" and "best practices" from other states, and to tailor them to the peculiarities of the Liberian context. Second, drawing from the scholarly literature on the creation of cities and the

models of city governance, the framework for the study is articulated. The third part provides the historical crucible for the study by mapping out the travails of the Liberian unitary state system and its ramifications for city government. Next, the study examines the major contours of Liberia's decentralization policy framework, which provides the roadmap for the broader project of the decentralization of powers in "center-periphery" relations. Particularly, the implications of the framework for government are teased out. Fifth, based on the examination of the literature and the attendant experiences of other states in designing city governance, as well as Liberia's decentralization policy framework, the study proffers a trajectory for redesigning city government in Liberia. This would provide the fundamentals for the formulation of a proposed statute for city government in Liberia. Finally, the study draws some conclusions.

LITERATURE REVIEW

The Establishment of Cities and City Status

Nyalunga (2006) observes that cities are part of the municipal tier of government in South Africa. In order to obtain city status, an area must fulfill several criteria: 1) the area should have a large population; 2) the area should be economically viable, as reflected in the movement of people, goods and services; and 3) the area should have the potentials for the establishment of business districts and industrialization.

In the case of Kenya, Odote (2012) notes that the Urban and Cities Act provides the major framework for the establishment and administration of cities as part of the broader tapestry for the devolution of powers from the "center" to the "periphery." Under the Act, in order for an area to acquire city status, it has to fulfill a litany of requirements. Among them are the followings: 1) the area should have a minimum population of 250,000; 2) the area should have historical importance; 3) it should have national or international strategic importance; 4) the area should have the capacity to make positive contributions to the economic development of the

country; 5) it should be economically viable; and 6) the area should have service delivery capacity.

The Models of City Government

The Mayor-Council Model

Ragone (2004) examines two major dimensions of the mayor-council model. First, in terms of the electoral one, he posits that both the mayor and the members of the city council are elected by the voters in a city. The electoral design for the city council is either based on districts or at-large-system (Rag one, 2004:251). Second, the appointment of city officials, especially department heads, is a shared function of the mayor and the city council. The former makes the appointments, and the latter approves them.

Voelpel (2007) probes the law-making process. He argues that consistent with the process of “checks and balances,” both the mayor and the city council participate in the process: the city council has the power to make laws, but the mayor can either concur or exercise the power of the veto.

For his part, Kraft (2003) focuses on one of the major functions of a mayor—serving as the city’s chief administrator. He observes that the performance of this function covers the broad gamut of administrative issues spanning from conducting the day-to-day affairs of the city to the preparation of the budget for the perusal and approval of the city council.

The Council-Manager Model

Svara and Nelson (2008) argue that the pivot of the council-manager model is the concentration of authority in the hands of the city council. In turn, the city council employs a city manager to whom it assigns certain functions under the council’s supervision (Svara and Nelson, 2008:1). Under this arrangement, there is a “weak mayoral office,” which is occupied either by an elected mayor or one of the members of the city council. One of the major derivatives of the model is the

facilitation of the interfacing of policy and administration, thereby creating the context for the professionalization of the process of decision-making in which the city manager makes recommendations to the city council.

Homer and Schuhman (2005) assert that one of the major benefits of the model is that it places the functions of the chief administrative officer of the city in the hands of a professional, who is non-partisan. In turn, this enables the city manager to administer the affairs of the city in an effective manner based on the contours of professional goal setting, and long-range planning(Homer and Schuhman, 2005:229).

Treading on the same path, Feiock et al (2003:616) argue that an additional major benefit of the model is that it imposes what they term “credible constraints on morally hazardous or opportunistic behavior.” The resultant is the enhancement of efficiency in the administration of a city. According to them, the *raison d’etre* for this outcome is the construction of a binary between politics and administration. The former is within the province of the city council, while the latter falls under the purview of a professional city manager.

THE FRAMEWORK FOR THE STUDY

The framework for the study has two major dimensions: the process for establishing a city (the gaining of city status), and governance architecture. In the case of the former, there are three major contours. First, a minimum size requirement should be established. That is, an area that applies for city status should fulfill a threshold in terms of its geographical expanse. Second, the area should also meet a minimum population requirement. Third, the area should be economically viable. That is, it should have various economic activities, including the existence of businesses, as well as the movement of people, goods and services.

The governance dimension is anchored on the mayor-council system. The rationale for choosing this system is twofold. At the core is the simplicity of the system, especially in terms of its avoidance of complex and multiple layers of authority. In this vein, citizens can easily understand and interact with the various offices that are parts of the organizational structure. Functionally, the model is based on several major elements: 1) the structure of city government; 2) the geographical composition of the city; 3) the election of the mayor and the members of the city council; 4) the tenure of office of the mayor and the members of the city council; 5) policy areas; and 6) the centrality of oversight and other forms of accountability, as well as transparency in the conduct of the affairs of the city ranging from administrative to financial issues.

THE CONTEXT: LIBERIA’S UNITARY STATE SYSTEM AND CITY GOVERNMENT

The Origins of Liberia’s Unitary State System

The Liberian unitary state system was developed as an integral part of the “tugs and pulls” of the country’s state-building project that incepted on July 26, 1847 (Kieh, 2010:4). Initially, during its formative years, the country, although a *de jure* unitary state, operated based on the *de facto* decentralization of powers as the bedrocks of center-periphery power relations. Several interlocking factors accounted for this development. The country had a limited geographic scope (Kieh, 2010). The other reason was that civic humanism served as the philosophy pillar for the governance architecture. Greene (1986:36) summarizes civic humanism thus:

[Civic humanism is based on the premise that] virtue is attainable only by men of independent property, preferably in land whose independent holdings could permit them to cultivate the intensely autonomous behavior that alone could preserve the polity in a stable and incorrupted state... To prevent the degeneration of virtuous government into a corrupt one, civic humanist writers stressed the utility of institutional devices such as the rotation of office and frequent elections.

However, by the early 1900s, there was a change in the texture of the governance fabric from *de facto* decentralization to full-scaled centralization. Three major currents accounted for the shift. The country was experiencing economic problems; hence, the state needed to extend the ambit of its revenue base. Another major reason was the increased violation of the country's sovereignty and territorial integrity by Britain and France. Also, there was increased opposition to the settler state from the various indigenous polities that existed outside of jurisdiction of the construct.

By 1904, with the completion of the territorial expansion project of the settler state, the "Barclay Plan" was enunciated as a central pillar of the emergent absolutist unitary state system in the country. The pivot of the plan was the re-organization of the governance structure of local governments, especially those in the hinterland (Sawyer, 1973). The overarching purposes were to consolidate the control of the settler state over the hinterland, and to facilitate the establishment of the hegemonic presidency. Interestingly, successive presidential administrations have sought to strengthen the unitary state system. President Ellen Johnson Sirleaf provides a poignant assessment of the travails of Liberia's unitary state system thus:

Since the emergence of Liberia as a nation-state, our system of governance and public administration has remained highly centralized in Monrovia, a factor which has not allowed adequate legal opportunities for the establishment of a system of participatory local governance. It has also impeded popular participation and local initiative especially in the provision of public goods and services. Furthermore, our highly centralized system of governance has resulted in a big gap in economic growth and development access to social and economic opportunities and human well-being between Monrovia and the rest of Liberia (Johnson-Sirleaf, 2011: i).

City Government in the Liberian Unitary State System

Within the context of Liberia's perennial authoritarian and neo-patrimonial political system, cities, like other entities within the local government structure were arbitrarily established. That is, there was no set of criteria that was used as the standards for the establishment of these local government areas. Instead, the decision reflected the whims and caprices of the President of Liberia along with other major political actors. One of the major manifestations of the arbitrariness that attends the establishment of cities is reflected in the fact that the statutes that established the various cities are quite different from one another. In other words, there is the lack of uniformity in terms of general standards or criteria. For example, during the Tolbert administration, Bensonville, a township, and the hometown of the president, was accorded city status and made the capital city of Montserrado County devoid of the use of a set of criteria. Similarly, other cities in the country were created in like manner based on politically motivated subjective factors.

In terms of the relationship between the national and city governments, like in other cases of center-periphery relations in the country, all powers were concentrated in at the center. However, the only major exception was that the mayors of cities were "elected" (until the Johnson-Sirleaf administration), howbeit, in the context of non-competitive elections that were integral parts of the mainstay of the Liberian political landscape. Interestingly, during the Tolbert administration, the City of Monrovia (the country's capital city) was given limited autonomy in the area of public safety with the formation of a city police. The overarching purpose of the police was to enforce city ordinances. However, the decision to grant the capital city limited policy autonomy was driven by the nature of the relationship between President Tolbert and Mayor Edward David: the latter was a brother-in-law of the former. Hence, when Mayor David requested that the central government grants Monrovia some limited autonomy, the president obliged.

RETHINKING CENTRAL GOVERNMENT-LOCAL GOVERNMENT RELATIONS IN LIBERIA

Background

Given the adverse consequences of the absolutist Liberian unitary state system, especially its adverse ramifications for local participation, local governance, local initiative, local social and economic development, and political stability, the Sirleaf government has embarked upon an effort that is designed to rethink and restructure center-periphery relations. The crux of project is to decentralize powers (Governance Commission of Liberia, 2011). The decentralization policy covers the broad gamut of issues ranging from structural to policy ones.

The Decentralization Policy Framework

The Decentralization policy framework has several major elements. One of them is the restructuring of the “division of powers” between the national and county governments. In this vein, the national government would have exclusive powers over several policy areas spanning from the administration of justice to the conduct of trade (Governance Commission of Liberia, 2011). Similarly, the county governments would have exclusive powers in the generation of revenues from property taxes, the issuance of licenses, inspection fees, fines, and operating permits for local businesses (Governance Commission of Liberia, 2011:13). In addition, the central and county governments will share revenues in some areas.

Another major contour of the policy framework is the decentralization of several political, administrative and fiscal functions. At the political level, for example, the counties and their constituent sub-units would elect their major executive and legislative officials such as county superintendents, the members of county legislative assemblies, district commissioners and the

mayors of cities. Administratively, the local levels would exercise autonomy in the making of various policies. As well, in the area of fiscal decentralization, the local levels would have autonomy in the formulation and management of their budgets, including revenues and expenditures.

The Implications for City Government

Although the county is the centerpiece of the Decentralization Policy, the restructuring of center-periphery relations would also have implications for city government. For example, city governments would elect their mayors and the members of their city councils. Clearly, this would contribute to the establishment of a “culture of vertical accountability” (O’Donnell,). This is because the citizens in the various cities could use the election of their mayors and the members of their city councils as an instrument for helping ensure that these elected officials are accountable to their constituencies.

In terms of fiscal policy, cities would have the authority to levy local taxes and other fees. As well, cities should be able to benefit from revenue sharing with the counties through a system of inter-governmental transfers. In addition, these municipalities would have autonomy in terms of their budgets, including the management of revenues and expenditures.

REDESIGNING CITY GOVERNMENT IN LIBERIA: THE ELEMENTS OF THE MODEL CITY STATUTE

Background

This section is the locus of the study. It will seek to layout the major elements for the development of a model statute that would regulate both the establishment of cities (the gaining of city status), and the governance of cities.

The Contours of the Model City Statute

The general principles of governance

City governments shall be governed by several major principles of democratic governance.

These principles are as follow:

1. The promotion and the respect for basic political rights and civil liberties, including the freedoms of assembly, association, the press and thought.
2. The promotion of good governance, including adherence to the principles of inclusion, accountability and transparency in the conduct of the affairs of the city.
3. The protection of the public's interest should be paramount in the conduct of the affairs of the city.
4. The decision-making process of the city, including the making of appointments of city employees shall be based on merit, rather than personal, political and other considerations.
5. City officials and employees must consistently demonstrate a commitment to the rule of law in the discharge of their respective responsibilities.
6. The officials of the city government will endeavor to secure and maintain the public's confidence through the performance of their duties.
7. Officials shall demonstrate civility in their relationships with colleagues, staff, the officials of district, county and national agencies, and the public
8. City officials and employees shall treat all residents of the city equally.
9. The public services provided by the city government should reflect the needs of the residents of the city, and as public goods, these services should be available and accessible to all residents, irrespective of their ethnicity, region, gender, religion and other identities.
10. The city government should endeavor to provide services within the framework of the prudent use of public resources and cost effectiveness.

The definition of a city

A city is a municipality that is at a minimum larger than a township, with a minimum population of 100, 000 people, and is a center of economic activities, and has been granted a charter by the National Legislature.

Types of cities

Liberia shall have three types of citizens:

1. The capital city: It shall be the seat of the national government. The determination of city status shall not be based on the process outlined in the statute on cities.
2. The county capital city: It shall be the administrative seat of a county government. The determination of its eligibility for city status should not be based on the process outlined in this statute.
3. Other cities: These are areas or combination of adjacent areas that do not fall in categories 1 and 2. They are the central focus of the statute on cities.

The Criteria for City Status

The process for the establishment of a city (the gaining of city status) should be based on several major pillars:

1. The Procedures for the Application Process:

- A. A petition shall be signed by a minimum of 51% of the registered voters in the area or areas applying for city status.
- B. The petition should include an explanation of the ways the applicant meets the requirements for gaining city status.

Another major requirement is the fulfillment of a set of criteria:

1. Geographical expanse: The area of areas should be minimally larger than a township in terms of land area.
2. Population: The applicant should have a minimum population of 100,000 people.

3. Economic viability: The applicant should demonstrate economic viability, as evidenced by the presence of businesses in the area or combined areas.

Also, a verification system shall be established by the Ministry of Internal Affairs for the purpose of evaluating the applications for city status. If the applicant successfully completes the verification process, then the Ministry of Internal Affairs should recommend to the National Legislature that the applicant be granted city status along with a city charter.

The Organizational Structure of City Government

Sec. 1: The organizational structure of the city government shall consist of the legislative and executive branches comprising the City Council (legislative branch) and the mayoralty and the head of city departments (the executive branch).

Sec. 2: The City Council:

- A. Composition: The City Council shall consist of aldermen, who shall represent the wards that constitute the geographical division of the city. Each ward shall have one alderman on the city council.
- B. Election: The members of the City Council shall be elected by secret ballot by the registered voters in their wards. The candidate that wins the plurality of the votes shall be declared the winner. The National Elections Commission shall promulgate the eligibility requirements for the alderman, as well as for other aspects of the electoral process.
- C. Term of Office: The aldermen shall serve a four year term. They shall be eligible for re-election. However, no alderman shall serve more than two consecutive terms.
- D. The Powers of the City Council: The City Council shall have the following powers:
 - 1. To make laws (ordinances) for the city.
 - 2. To confirm or reject the appointment of the heads of departments and other major city officials.

3. To approve the city's budget for each fiscal year.
 4. To approve all city contracts and agreements.
 5. To provide oversight to the executive branch of the city government.
 6. To impeach the mayor for the commission of high crimes, including the embezzlement of public funds, based on the due process of law.
- E. The Structure of the City Council: The City Council shall have a Chair and Standing Committees. The Council should elect one of its members as Chair. The Chair of the City Council shall preside over the meetings of the Council, and appoint the chairs and members of the various Standing Committees subject to the approval of the City Council. The Council shall have various standing committees.

Sec. 3: The Legislative Process:

- A. A proposed legislation can be introduced by either an alderman or the chair of a Standing Committee of the Council. Also, the mayor of the city can submit legislation to the Council for its consideration.
- B. All legislations that are introduced should be first considered by the appropriate Standing Committee of the Council. The committee will hold hearings on the legislation. Subsequently, the legislation would be voted upon by the members of the appropriate Standing Committee. If the legislation is approved by the appropriate Standing Committee, it shall then be submitted to the entire Council for its consideration.
- C. The full Council shall debate the legislature. If the Council approves the legislation, it shall then be submitted to the mayor for his signature. The mayor may approve or

veto the legislature. A two-third majority vote of the Council shall be required to override the mayor's veto.

Sec. 4: The Executive Branch: The executive branch shall comprise the mayor and the heads of the various city departments (directors).

A. The Mayor:

1. Election: The mayor shall be elected by the registered voters of the city. The eligibility requirements shall be promulgated by the National Elections Commission.

2. Tenure: The mayor shall serve for four years, and is eligible to be re-elected for a second time. However, the mayor cannot serve more than two consecutive terms.

3. Powers: The mayor shall exercise the following powers:

a. Serve as the chief executive of the city government. In this role, the mayor shall conduct the day-to-day affairs of the city (chief administrator), and represent the city to the district, county, and national governments, and other external communities.

b. Shall appoint the heads of all city departments (directors) subjected to the confirmation by the City Council.

c. Prepares the city's budget for each fiscal year, and submits it to the City Council for deliberation and approval,

d. The power to veto all legislations of the city submitted by the City Council.

e. Enforce the city's ordinances in collaboration with the relevant agencies at the district, county and national levels.

f. At the end of each calendar year, the mayor shall deliver the "State of the City Address" to the City Council.

Sec. 4: City Departments:

- A. The executive branch shall be divided into several departments: Community and Economic Development, Administration and Human Resources, Finance, Health and Sanitation, and Parks and Recreation. Each department shall be headed by a director.
- B. The specific functions of each department shall be outlined in the relevant city ordinance.

The Functions of a City

The city shall have several major functions:

1. The provision of health and sanitation services, including garbage collection.
2. The undertaking of various community development-related activities.
3. The undertaking of various projects designed to promote economic development in the city.
4. The regulation of land use.
5. Zoning.
6. The establishment and the management of public parks and other recreational facilities that are owned by the city.
7. The delivery of various public services, including health, and sanitation.
8. Regular collaboration with the district, county and national governments to promote democracy and development.

The Powers of a City

In order to carry out its functions, the city government shall have the followings powers:

1. Enact and enforce city ordinances.
2. The authority to enter into contracts.
3. The authority to sue and be sued.
4. The power to borrow money for the purpose of undertaking a development project or meeting other legitimate needs of the city.

5. Provide the verification, execution and delivery of contracts, grants, releases of city property, and for the provision of evidence regarding the revenues, expenditures and indebtedness of the city.
6. Establish and maintain a financial system, including budgeting, based on the generally acceptable principles of accounting and finance.
7. The assessment of local sales tax, and other local taxes, fees and levies.
8. Acquire property.
9. Administer grants from the national government for their intended purposes.
10. Enact legislation to regulate public nuisance and trespassing.
11. Enact other ordinances that would be required for the smooth and effective operation of the city government.

City Governance: The City Municipal Code

The city's municipal code shall constitute the legal architecture for the governance of the city. The code shall consist of all city ordinances. The ordinances shall be enforced through a collaborative relationship between the city government and the relevant agencies at the national level, including the Ministry of Internal Affairs, Ministry of Justice, and the various law enforcement agencies, particularly, the Liberian National Police Force.

The scope of the various ordinances shall encompass areas over which the city has jurisdiction. Generally, ordinances should meet certain requirements:

1. Serve a public purpose within the ambit of the city government's functions and powers.
2. All ordinances must be in conformity with the laws of the county, and the constitution and statutes of Liberia.
3. The wording and language of the ordinance must be clear and unambiguous.
4. The ordinance must be reasonable,

5. An ordinance must relate to a local matter.
6. The ordinance must serve a lawful purpose.

City Regulations on Layout, Zoning and Land-Use Planning

The ordinance for the city's layout should consist of several key elements:

1. Street layout
2. The layout of sidewalks.
3. The layout of sewage and drainage systems.
4. Parking lots
5. Markets
6. Car parks
7. Residential homes
8. Commercial buildings.

In order to formulate the ordinance, the city government would need to collaborate with the county government, and the national government through the Ministry of Public Works and the Liberian Water and Sewage Corporation.

As for zoning and land-use, the ordinance should include several key elements:

1. The authority and purpose of the ordinance
2. The general application of the ordinance
3. The Definitions of the use and occupation of structures and buildings, and the use of land
4. The penalties for violation

The Guidelines for City planning, the formulation of a development plan, and service delivery

Several guidelines should provide the framework for the undertaking of city planning. And these are:

1. The articulation of the scope of the plan.

2. The purposes of the plan.
3. The collection of data.
4. The involvement of the major stakeholders of the city.
5. The identification of the resources that are needed to implement the plan.
6. The periodic assessment of the plan, and the making of adjustments.

In terms of the city's development plan, several major factors would need to be considered:

1. The importance of delineating the objectives of the plan.
2. The collection of data.
3. The determination of the cost of the plan.
4. The consideration of the district, county and national contexts in which the city operates.
5. Attention should be given to the environmental impact resulting from the implementation of the development plan.
6. The involvement of the major stakeholders in the formulation of the plan, so that they can also establish ownership.
7. The development of collaborative relationships with agencies at the district, county and national levels.

With regards to public service delivery, various key elements would be included in the ordinance:

1. The purpose: The primary goal of the city is to provide quality public service delivery.
2. The identification of the needs of the residents of the city with the context of public service delivery areas for which the city has the responsibility.
3. The selection of the areas of public service that the city would provide, and the levels.
4. The Area of Public Service Delivery:

- A. Health and Sanitation (including garbage collection).
 - B. The Public Markets: The city shall collaborate with the marketing association and other stakeholder, including the relevant agencies at the country and national levels for the maintenance and general upkeep of the markets.
 - C. Parks: The city shall provide for the maintenance and upkeep of all city-owned parks.
 - D. Car Parks: The city shall work with the transport union and the relevant agencies at the county and national levels for the maintenance and upkeep of the car parks in the city.
5. The regular improvement of the city's capacity through capacity-building and other activities informed by feedback from the city's residents.
6. Where appropriate, the development of partnerships with the private sector in the delivery of public services. In such a case, the bidding process must be transparent. Also, the city should develop multiyear agreements with private vendors that are involved in the delivery of public goods.

Budget, Revenues and Expenditures

The city will establish a budgetary system that shall include an accounting system for record keeping on revenues and expenditures, as well as a process for the formulation of budget for each fiscal year. Under the process, all departments shall formulate their budget proposals and submit them to the Office of the Mayor for review at an established date. The next step, as part of the review, the Office of the Mayor will hold conferences with the heads of the various departments for the purpose of discussing their budget proposals. This will be followed by the Office of the Mayor developing the proposed budget for the city. The mayor would then present the proposed budget to the City Council for its approval.

The city shall have several major sources of revenues. A key one shall be the generation of revenues through a local sales tax, and the fees that are generated from parking, the car park,

burials at the city-owned cemetery, city services and the markets. Another source is transfers from the county government for the country development fund and the county social development fund (in the cases of those counties where natural resources are located). The counties shall develop a revenue sharing formula that takes into consideration the population and contributions of cities to the counties' revenue base. Also, given the narrow economic base of many Liberian cities, the national government should give city governments grants each year. The grants would be used to undertake various development projects, as well as to supplement the operating budgets of the various city governments. The portion of the grants that is allocated to the recurrent expenditures of a city government would be dependent upon the financial state of a city. In addition, a city government may borrow money in the private financial market. Furthermore, a city government can make investments and accrue dividends from them.

The expenditures would reflect the cost of running the city. And this would include both recurrent expenditures and the undertaking of capital projects. Also, the expenditures shall reflect the allocations contained in the budget for each fiscal year. Funds that are not allocated in the city budget cannot be expended. In the event that a city department needs extra funds beyond its budgetary allocations, the mayor should submit a request to the City Council for consideration. The Council may approve or disapprove the request.

In terms of financial reporting, the Department of Finance shall provide monthly reports on revenues and expenditures for the city in general, for the City Council, the office of the Mayor and all city departments. The report shall provide the department heads, the mayor and the City Council with the financial data needed to effectively and prudently manage the city's revenues and expenditures.

Internal Audit and Oversight

The Internal Audit section will be housed in the City's Department of Finance. Its central mission shall be to conduct periodic audits of the two branches of the city government. Based on the audit schedule, the Auditing Section should conduct the review of the financial records of the various entities of the city government. The process will involve several interlocking steps. First, either based on the annual auditing schedule or other circumstances, the auditing section shall formally inform the department to be audited in writing outlining the purposes and scope of the audit.

Second, the auditing section will convene a meeting with the head of the department that is being audited to discuss the nature of the audit. In turn, the head of the department to be audited shall have the opportunity to ask questions and make comments about the auditing process.

Third, the auditing section will collect information about the audit, including the review of the all of the relevant financial documents and control systems of the department that is being audited. The audit section would have the authority to ask questions, seek clarifications and request documents pertaining to the audit from the head of the department that is being audited.

Fourth, the auditing section will complete its review and analysis of the financial records that are relevant to the audit. Thereafter, the auditing section will prepare a preliminary report. The report will be sent to the head of the department that is being audited for feedback.

Fifth, based on the feedback that is received from the head of the department that is being audited, as well as the data it has collected, the auditing section would then prepare and issue a final report containing its findings and recommendations. The report will be made available to the head of the department that is being audited, the Office of the Mayor and the City Council.

If the audit findings indicate any act of financial malfeasance, the relevant Standing Committee of the City Council shall investigate the matter. Anyone accused of committing acts

of financial improprieties and who is under investigation should be accorded the due process of law. As part of its investigation, the Standing Committee, with the approval of the full City Council, may employ the services of an independent external auditor.

CONCLUSION

Like the broader decentralization project, the redesigning of city governments would require two major sea changes. At the core is the concrete demonstration of political will on the part of the Sirleaf administration and succeeding ones. There must be the willingness on the part of the political leadership to dismantle the absolutist unitary state system in Liberia. Concomitantly, the cult of the hegemonic presidency that has contributed to the asphyxiation of democratic governance should be ended.

The second fundamental change that is required is the shift from the perennial system based on arbitrariness and capriciousness to one that is rules-based. Clearly, democratic city governance would require, among others, the commitment by public officials and citizens alike to “playing by the rules.”

REFERENCES

Braathen, Einr and Sirin Bjerkreim Hellevik. 2008. "Decentralization, Peacemaking and Conflict Management: From Regionalism to Municipalism." *Peace Conflict and Development*. 12(1), pp. 1-23.

Feiock, Richard et al. 2003. "Credible Commitment and Council-Manager Government: Implications for Policy Instrument Choices." *Public Administration Review*. 63(5), pp. 616-625.

Governance Commission, Liberia, 2011. *National Policy on Decentralization and Local Government*. Paynesville, Liberia: Governance Commission.

Greene, Jack. 1986. *The Intellectual Heritage of the Constitutional Era*. Philadelphia, PA: The Library Co.

Homer, Frederic and Robert Schuhmann. 2005. "The Municipal Balance of Power: Lessons from Federalist 51." *Public Administration*. 10(3), pp. 224-247.

Jacobs, A.J. 2011. "Japan's Evolving Nested Municipal Hierarchy: The Race for Local in 2000s." *Urban Studies Review*, pp. 1-14.

Johnson-Sirleaf, Ellen. 2011. "Foreword." In *Governance Commission, Liberia. National Policy on Decentralization and Local Government*. Paynesville, Liberia: Governance Commission, pp. i-ii.

Kieh, George Klay. 1988. "Guru, Visionary and Superchief: An Analysis of the Impact of the Cult of the Presidency on the Development of Democracy in Liberia." *Liberia Forum*. 4(6), pp. 8-19.

Kieh, George Klay. 2010. "The Travails of the Unitary State System and Post-Conflict Peacebuilding in Liberia." *Liberian Studies Journal*. 35(10), pp. 1-27.

Kieh, George Klay. 2012. *Liberia's State Failure, Collapse and Reconstitution*. Cherry Hill, NJ: Africana Homestead Legacy Publishers.

Kraft, Steven. 2003. *Essays on Political Constraints, Incentives, and Individual Economic Behavior*. Doctoral Dissertation. West Virginia University.

Nyalunga, Dumisani. 2006. "The Revitalization of Local Government in South Africa." *International NGO Journal*. 1(1), pp. 1-12.

Odote, Collins. 2012. "Country Report: Kenya: Constitutional Provisions on the Environment." *IUCN Academy Of Environmental Law e-Journal*, 1(1), pp. 136-145.

Ragone, Nick. 2004. *The Everything American Government Book*. Avon, MA: Adams Media.

Sawyer, Amos. 1973. *Social Stratification and Orientation Towards National Development*. Doctoral Dissertation, Northwestern University.

Slack, Enid. 2003. *Models of Government Structure at the Local Level*. Kingston, Ontario, Canada: Institute of Intergovernmental Relations.

Svera, James and Kimberly Nelson. 2008. "Taking Stock of the Council-Manager Form at 100." *Public Management*. 90(7), pp. 6-14.

United Nations Development Program. 2006. *Liberia's Governance Program*. New York: UNDP.

Voelpel, Gwendolyn. 2007. *The Policy-making Role of Mayor in Council-Manager Cities: Detracting and Enhancing factors*. Masters of Public Administration Capstone. University of Nebraska at Omaha.