



EKITI STATE PUBLIC WORKS CORPORATION LAW, 2011

NO. 8 OF 2011





EKITI STATE OF NIGERIA

EKITI STATE PUBLIC WORKS CORPORATION LAW.

ARRANGEMENT OF SECTIONS.

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**A LAW TO PROVIDE FOR THE ESTABLISHMENT OF THE EKITI STATE PUBLIC
WORKS CORPORATION AND FOR THE OTHER MATTERS INCIDENTAL
THERE TO OR CONNECTED THEREWITH**

NO. 8 OF 2011

EKITI STATE OF NIGERIA

COMMENCEMENT

Enacted by the House of Assembly of Ekiti State of Nigeria as follows:

PART 1

ESTABLISHMENT OF THE EKITI STATE PUBLIC WORKS CORPORATION

- Establishment and Incorporation of Ekiti State Public Corporation.***
- (1) There is hereby established a body to be known as the Ekiti State Public Works Corporation of (hereinafter referred to as “the Corporation”)
- (2) The Corporation shall be a body corporate with perpetual succession and a common seal with power to sue and to be used in its corporate name.





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- (3) The Corporation shall have power to acquire land and or dispose of movable and immovable property for the purpose to sue and be used in its corporate name.
 - (4) The Corporation shall be under the supervision of the Governor.
 2. (1) There is hereby established for the Corporation a Board (hereinafter referred to as the “Board”) which shall be responsible for the formulation of policies and strategies for the effective management of the Corporation.
 - (2) The Board of the Corporation shall consist of the following members:
 - (i) A full-time Chairman, who shall be the head of the Corporation
 - (ii) Two other full-time members, and
 - (iii) Five ex-officio members comprising
 - (a) Representative of the Ministry of Finance
 - (b) Representatives of Special Adviser, infrastructure and Public Utilities
 - (c) Representatives of the Ministry of Works
 - (d) Representatives of Nigerian Society of Engineers, Ekiti State branch
 - (e) Representatives of Nigerian Estate Valuers and surveyors, Ekiti State Branch.
 - (3) The Chairman and member of the Board of the Corporation shall be appointed by the Governor in regards to relevant qualifications being had in the industry and any other relevant professional discipline.



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Remuneration 3. Members of the Board shall be paid such remunerations or allowances as may be approved by the Governor.

Removal of Members 4. Members of the Corporation shall be removed by the Governor, if he is satisfied that it is not in the interest of the Corporation that such person should continue in office, provided that the Governor shall also have powers to suspend a member if deemed appropriate.

Tenure of Office Of Chairman And other Members 5. (1) Subject to the provision 4: the Chairman unless he resigns his appointment through a letter addressed to the Governor shall hold office for a term of four years subject to the pleasure of the Governor.

(2) Any public officer appointed to be official members shall hold office as such at the pleasure of the Governor.

Resignations (3) Any member, other than an ex-officio member shall hold office subject to the pleasure of the Governor for a term of four years and may at any time, resign his office by a letter addressed to the Governor through the Chairman.

Procedure and Meeting 6. (1) The corporation shall meet on such times as may be necessary or expedient for the transaction of business and such meetings shall be held at such places and times and on such days as the Chairman may determine.



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- (2) The Chairman of the Corporation may at any time call a special meeting to be held within even days of a notice for that purpose addressed to him by at least two-third members of the Corporation.
- (3) The Chairman of the Corporation shall preside at every meeting of the Corporation at which he is present and, in his absence, the member present shall elect one of their members to preside the place of the Chairman.
- (4) The Chairman of the Corporation or the member presiding at a meeting of the Corporation in the absence of the Chairman shall have original and a casting case vote.
- (5) The quorum of the Corporation shall be three, including the Chairman or member presiding in their absence of the Chairman from the meeting.

PART II

OBJECTIVES, FUNCTIONS AND STRUCTURE OF THE CORPORATION

Objectives of the

Corporation

7. The objective of the Corporation shall be to:

1. develop and implement action plans for the Corporation's key result areas of the construction, development and maintenance of public buildings, roads and other infrastructure;



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2. Establish construction groups to carry out construction works in the State by direct labour.
3. Procure and purchase materials and equipment for effective discharge of its duties in the State.
4. Accelerate provision of infrastructure especially public buildings roads and support infrastructure through direct labour.
5. generate revenue for the State Government through proceeds from
 - (a) construction of projects for public and other interested government agencies;
 - (b) construction and development of public building, roads and other infrastructure.
6. Carry out any other relevant duty as assigned to it by the Governor.

Functions 8.

- (1) The functions of the Corporation shall be:
 - (a) Construction of public buildings, roads and other infrastructure within the State as directed by the Governor;
 - (b) To make recommendations to the State Government intervention agency for rapid delivery and the maintenance of public buildings, roads and other infrastructures within the State.
- (2) The corporation shall for the purpose of carrying out its function under this Law have power to do all such acts as may appear to it to be requisite for carrying out its functions and objectives.

Structure of this Law, the

- (1) For the purpose of achieving the objectives set under section 7(1) – (6) the corporation shall



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Corporation

establish the following departments.

- (a) Public Works Department;
 - (b) Environmental Beatification & Farm Services
 - (c) Finance and Administration Department and;
 - (d) Plant and Equipment Management.
- (2) For the purpose of subsection (1) of this section, the Board may approve a reasonable number of groups construction workforce for efficient performance of the functions of the Corporation as the Board may deem fit.

PART III

THE STAFF OF THE CORPORATION

Appointment 10. (1) There shall be a secretary who shall be the

Of Secretary

Accounting Officer of the Corporation.

- (2) The secretary shall carry out the following functions:
- (a) advise the Board on the formulation and implementation of its policies
 - (b) the day to day administration of the Corporation;
 - (c) be responsible for convening the meeting of the Board after consultation with the Chairman;
 - (d) prepare the quarterly and the annual report of the corporation.



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- Removal from Office**
- 11.** Notwithstanding any provision in this Law, the Executive secretary or officer or staff of the corporation may be removed from office by the Governor.
- Service in the Corporation**
- 12.** Service in respect of the office of the Secretary and officers employed and seconded to the corporation shall be approved. Service for the purpose of pensions in accordance with the Ekiti State Civil Service Regulations.
- Staffing of the Corporation**
- 13.** The Board may subject to approval in writing by the Governor:-
- (a) accept staff on deployment from the Civil Public service in the discharge of any of its functions under this Law;
 - (b) employ directly into the Corporation



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- Annual report and Estimates** 17. (1) The corporation shall, in each year, prepare and present on or before 30th day of November to the executive Governor, a report of its proceedings during the twelve months ending 31st day of December of the calendar year.
- (2) A copy of every such report shall be laid before the Executive Council.
- (3) A copy of every such report shall be laid before the House of Assembly.
- (4) The corporation shall in each year submit to the Treasury Board for approval, its estimates of revenue and expenditure in respect of the period commencing on the 1st day of January of the said year, in accordance with relations/guidelines that may be issued by the State Government.
- Authentication** 18. The common seal of the corporation shall not be affixed to any document except in pursuance of a resolution duly passed at a meeting of the Board and recorded in the minutes of such meeting.
- Legal Plaintiff's Proceeding** 19. (1) No suit shall lie against the corporation unless a written notice of the Plaintiff's or his agent's intention to commence action as served





on the Corporation one (1) month prior to the commencement of the action.

- (2) Such notice shall state the cause of action, the name and place of abode of the intending plaintiff and the relief which he claims.

PART V

TRANSITIONAL PROVISIONS

**Transfer of
Property** 20.

- (1) All property movable or immovable held by on behalf of the corporation etc establish under Ekiti Kete Roads Maintenance Agency Law, No. 2 of 2006 shall by virtue of this section vest in Ekiti State Public works Corporation created under this Law.
- (2) Without prejudice to the generality of subsection (1) of this Section, all outstanding debts and liabilities of Ekiti Kete Roads Maintenance Agency before the commencement of this Law become the debts an or liabilities of Ekiti State Public works Corporation.
- (3) All agreements contracts, deeds and other instruments to which Ekiti Kete Roads Maintenance Agency was a party shall, so far as possible and subject to any necessary modification have effect as if they have been made under this Law.





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Interpretations 21.

In this Law unless the context otherwise requires:

“Corporation” means the Ekiti State Public Works Corporation established under section 1 of this Law.

“Board” means the Board of Ekiti State Public Works Corporation;

“Chairman” means Chairman of the Board who shall, at the minimum, be a person with requisite knowledge in business and project management, development control and the ability to harness the skills of personnel in the building industry;

“State Government intervention Agencies” include the Ekiti State Emergency Management Agency created pursuant to Section 2 of the Ekiti State Emergency Management Law No. 9 of 2009.

“Governor” means the Governor of Ekiti State.

“State” means Ekiti State of Nigeria.

“Service” means the Ekiti State Civil Service.

“Suit” means a civil proceeding commenced by writ of summons or in such other manner as may be permitted by rules of court.

Repeal 22.

The Ekiti Kete Roads Maintenance Agency Law, No. 2 of 2006 is hereby repealed.

Citation 23.

This Law may be cited as Ekiti State Public Works Corporation Law, 2011.



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This printed impression has been carefully compared by me with the Bill, which has been passed by the Ekiti State House of Assembly and found by me to be a true copy of the said Bill.

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MR. BEN. AKINTUNDE FAMOYEGUN

Clerk of the House of Assembly

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Rt. Hon. (Dr.) Adewale A. Omirin

Speaker of the House





Governor's Assent

I hereby signify my assent to this Bill

DR. KAYODE FAYEMI

Executive Governor of Ekiti State

MADE AT ADO EKITI THIS 4th DAY OF July, 2011

