

SERRY-KAMAL & CO

BARRISTERS & SOLICITORS

A.F. Serry-Kamal (Commissioner for Oaths and Notary Public)

M.J. Tucker (Miss) (Commissioner for Oaths and Notary Public)

A.B. Kalokoh

W.S. Serry-Kamal

G.M. Conteh

T. Conteh

DR. A.O. Conteh: Consultant

THE HON. TAMBA LAMINA
MINISTER OF LOCAL GOVERNMENT AND
RURAL DEVELOPMENT
6TH FLOOR, YOUYI BUILDING
BROOKFIELDS
FREETOWN.

24th February, 2022.

Dear Sir,

RE: THE DECISION OF THE MINISTER OF LOCAL GOVERNMENT AND RURAL DEVELOPMENT TO DISSOLVE THE MAYOR'S DELIVERY UNIT AT THE FREE CITY COUNCIL.

We have been consulted and our services retained by Her Worship, the Mayor of Freetown City Council regarding the above.


1. We write in response to the strange announcement put out by the Ministry of Local Government and Rural Development (MLGRD) regarding the purported dissolution of the Mayor's Delivery Unit in the Freetown City Council (FCC).
2. This decision itself is said to flow from a recommendation of an "Administrative Inquiry" instituted by the MLGRD into the management of the Freetown City Council (FCC). It is to be noted that the report of the said "Administrative Inquiry" was publicly launched without prior sight by Her Worship, the Mayor of FCC, and was arrived at by the Minister of Local Government and Rural Development, Ambassador Tamba Lamina and published as follows: "*The Minister of Local Government and Rural Development, Ambassador Tamba Lamina, has during the publication of the administrative inquiry report into the management of the Freetown City Council ordered the Mayor's Delivery Unit (MDU) at FCC to be dissolved with immediate effect on the grounds that it is not legally seated in the Council.*"(underlining added)
3. In the circumstances therefore, we dare say with utmost respect, that this is outrageous and untenable. In the first place, the decision ignores the simple political and legal fact that the FCC *is* an elected body with a political mandate from the electorate of the Freetown Municipality and its present constitution,

as an elected body, is the result of contest between political parties; ***It is not an appointed body.***

4. Secondly, again with respect, it is hilarious that the decision was made, announced or promulgated by an official of the "Decentralization Unit", in the MLGRD
5. Thirdly, what the purported decision seeks to effect is to roll back the decentralization of local administration in the country which is at the heart of the Local Government legislation.
6. Fourthly, there is no warrant for the peremptory dissolution of the MDU in the sections of the Local Government Act of 2004 and we dare say that the sections of the Act sought to be relied upon for the dissolution of the MDU by the MLGRD cannot support such decision; a decision which affects an elected body/entity such as the FCC. The effect of the Minister's decision to dissolve the MDU is therefore simply to undermine and negate the popular mandate granted by the Freetown electorate to the present FCC at the last Municipal elections.
7. In our considered view, the very basis for the so-called "Administrative Inquiry" finds no place in the relevant sections of the Local Government Act of 2004.
8. Admittedly, part XIV of the Act imbues the Ministry with some responsibilities in respect of Local Councils but, with respect, it is a stretch to find any provisions in this part of the Act that would warrant the Ministry to dissolve peremptorily, "*with immediate effect*", an entity or body set up by a resolution of a Local Council, in this instance the Freetown City Council, to enhance the implementation of the policies of the Council.
9. In any event, the responsibility of *inspection* and *monitoring* of Local Councils granted to the Ministry is to be exercised *lawfully* and *reasonably*. This is the whole premise of Part XIV of the Act. Administrative and legal powers must be exercised reasonably and *responsibly* and not *capriciously*.
10. The tenor and remit of Part XIV is not to empower the Ministry to ride roughshod over the activities of Local Councils, as seems to be the case in the present instance, but rather to facilitate the said Council in the performance of its functions. We posit that part XIV does not clothe the Ministry with a peremptory power in the guise of *inspecting* and *monitoring* Local Councils to dissolve duly constituted bodies such as the Mayor's MDU made pursuant to a resolution of the Local Council, in this instance the Freetown City Council, in the execution of its functions.
11. In the instant case, the procedure attendant on the "Administrative Inquiry" carrying out its functions were irregular and unfair. In the first place, some material witnesses for the Mayor, even though listed for the "Administrative Inquiry's" attention, were never interviewed and the councillors whose letter of complaint regarding the poor performance and the request for transfer of the Chief Administrator which purportedly triggered the "Administrative Inquiry", were collectively interviewed for only an hour out of the three weeks the Administrative Inquiry lasted.

12. In the second place, the publication of the report was evidently a public relations stunt to which the press and others had been invited. This was done without the Mayor or the Council having the benefit of sight of the report or afforded the opportunity to comment on it. It is to be noted, in particular, that the "Administrative Inquiry" **did not recommend** the immediate dissolution of the MDU but rather that "a critical review of the unit" be undertaken.
13. In the light of all this, we say the decision purporting to dissolve the MDU was egregiously flawed and clearly outside the ambit of Part XIV of the Local Government Act of 2004.
14. The assertion in the announcement of the purported dissolution of the MDU that the "*FCC had a toxic and acidic working environment, dysfunctional relationship, financial mismanagement...*" is unfairly and grossly gratuitous and, with respect, meretricious.
15. We are providing a copy of this letter to the Hon. Attorney-General who we believe, if he had been consulted on the matter, would not have advised the perilous path embarked upon by the ministry in this instance.

Yours Sincerely,



Dr. A.O. Conteh

CC:

1. The Attorney-General & Minister of Justice
Guma Building
Lamina Sankoh Street
Freetown.
2. Client
3. file