

For: *Magnum* GOVERNMENT PRINTER

Dar es Salaam City Council (Business Park Service Board) Establishment

GOVERNMENT NOTICE NO. 294 published on 20/8/2010

THE LOCAL GOVERNMENT (URBAN AUTHORITIES) ACT,  
(CAP 288)

INSTRUMENT

(Made under Section 58)

THE DAR ES SALAAM CITY COUNCIL (BUSINESS PARK SERVICES BOARD) ESTABLISHMENT, 2010

PART ONE  
PRELIMINARY SECTIONS

1. This instrument may be cited as the Dar es salaam City Citation Council (DCC Business Park Service Board) Establishment Instrument, 2010 and shall come into operation on the date of its publication in the Government *Gazette*. Citation
  
2. This instrument shall apply to the Dar es salaam City Council Business Park. Applica-  
tion
  
3. In the Instrument unless the context requires otherwise:-
  - “act” means the Local Government (Urban Authorities) Cap. 288;
  - “agent” means a corporate body or a legally identified person appointed by the Business Park to perform any contractual obligation assigned to him;
  - “Board” means Board of Directors for the Business Park appointed under this Instrument;
  - “Business Park” means the building and its surroundings of the Machinga complex meant for petty traders;
  - “Council” means the Dar es salaam City Council established by order published by GN.319 of 1999;
  - “City Director” means the City Director of the Dar es Salaam City Council;
  - “Management” means the management of Business Park and other senior officers under the manager who heads department or sections of Business Park;

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- “Municipal Council” means the Municipal Councils of Ilala, Temeke and Kinondoni;  
“Regional Commissioner” means the Regional Commissioner for Dar es salaam region and or any person acting on his behalf;  
“Service Board” means the Dar es salaam City Council Business Park Service Board, 2009.

PART TWO  
ESTABLISHMENT OF THE BOARD

Establishment of the Board

4.-(1) There shall be establishment a Business Park service Board to be known as the Dar es salaam City Council (Business Park Service Board) shortly the Board.

(2) The Office of the Board shall be within the City Council.

Composition of the Board

5. The Board shall be composed of ten members as follows:-

- (a) the chairperson who shall be appointed by the Regional Commissioner in consultation with city Mayor;  
(b) two members from the National Social Security Fund;  
(c) two members from the Dar es salaam City Council;  
(d) one member appointed from the treasury;  
(e) one member from Ministry of Labour and Youth Development;  
(f) three members representing petty traders elected by the petty traders (Machinga) Community;

Chairperson of the Board

6.-(1) The Chairperson so appointed by the Regional Commissioner in consultation with the City Mayor shall be confirmed by the Council in any nearby Full Council meeting.

(2) Vice Chairperson of the Board shall be elected by members of the Board among themselves.

Secretary of the Board

7.-(1) Manager of the Business Park shall be the secretary to the Board but shall not have a right to vote.

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(2) (a) Members of the Board shall hold office for a period of three years from the date of their appointment but they may be eligible for re-election for another term of three years only.

(b) the Board shall be responsible and report to the Council;

(3) at least one month before the end of the tenure of the office of the current Board the City Director shall notify the regional Commissioner and the Council about the expiration of the tenure of the office of the Board for the purpose of timely appointing a new Board;

(4) Where any vacancy occurs in the membership of the Board by reason of death, resignation, permanent incapacity or any other reason, another person shall be appointed to fill up the vacancy and the person so appointed shall hold office for the remaining term provided that nothing in this paragraph shall be construed as allowing to appoint another person when the remaining period is less than six months;

(5) The Board shall be approved by the full Council and inaugurated by or in the witness of the Regional Commissioner or his representative.

(6) Where by any reason the Board fails to fulfil its expected obligations as stipulated by this Instrument the Council shall reprimand or may dissolve the Board and arrange for immediate election of a new Board.

8-(1) The Board shall ordinary meet quarterly in every calendar year and the chairperson shall convene all meeting of the Board.

Meeting  
of the  
Boad

(2) The chairperson may convene an extraordinary meeting of the Board or on request in writing signed by not less than one third of the total number of members of the Board.

(3) There shall not be more than one extra ordinary meeting in one half in a year.

9.-(1) Two third of the recognized members of the Board shall constitute a quorum at any meeting of the Board.

Quorum  
and  
voting at  
the  
meeting

(2) A decision of the majority members present at a Board meeting shall be deemed to be the decision of the Board;

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(3) Secret ballots system shall be applied in Board meetings;

(4) every member of the Board shall have one vote and in an event of equality of votes, the Chairperson of the meeting shall have a casting vote in addition to his deliberative vote;

(5) The Board may in its own discretion invite any person who is not a member to attend any of its meetings to give its expertise, but such person shall not take part in decision making.

Qualification of members

10. The qualifications of the Board members shall be as follows-

- (a) ordinary Citizen of Tanzania Mainland;
- (b) ordinary Citizen of Dar es salaam except for those members appointed from National Social Security Fund;
- (c) he has attained the age of 25 years and not older than 65 years provided that he is a person of sound mind and good character;
- (d) a member to be appointed must at least have completed Secondary School Education.

Roles of the Board

11. The roles and responsibilities of the Board shall be as follows-

- (a) to promote the philosophy and principles of petty traders' adherence to the City and Municipal By-laws through networking education, advocacy and research;
- (b) to formulate and approve policy and direction for the Business Park;
- (c) to comply with directions as may be given by the City Council from time to time as far as the operation of the Business Park is concerned;
- (d) ensure good and sound management of petty trading in the Business Park;
- (e) to ratify and actions and decisions of the City Council;
- (f) to advice and recommend to the Municipal Councils on Management of petty trading business within the Business Park;

(g) to make sure that the Business Park sustainably and generate profit;

12.-(1) The Board shall have powers to do the following—

Powers of  
the Board

(a) to approve or disapprove tenancy application in the Business Park as per information received from the Management;

(b) to identify all types of business activities to be conducted in the Park and to give permission to the traders to conduct such business in the Business Park;

(c) to approve or disapprove annual budget and plan of the Business Park;

(d) to receive, scrutinize and recommend on annual report of the activities of the Business Park;

(e) to approve or disapprove mini budget for the Business Park where necessary;

(f) to approve or disapprove proposal for loans and overdraft;

(g) to approve rental charges proposed by the Management;

(h) to be appellate organ for person whose tenancy has been terminated by Management;

(i) to be appellate organ for staffs who have been aggrieved by disciplinary actions taken against them by the Management;

(j) to approve or disapprove salary scales and incentive scheme for the staffs of the Business Park;

2. The Board shall have power to regulate and determine its own procedure at its meetings.

### PART THREE MANAGEMENT OF THE BUSINESS PARK

13.-(1) The Management of the day to day activities of the Business Park shall be under the Manager of the Business Park.

Management of  
the  
Business  
Park

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(2) The Manager of the Business Park shall be appointed by the City Director and shall strictly be the employee of the council;

Function  
of the  
Business  
Park

(3) Function of the Management shall be as follows:-

- (a) to solicit and appoint agents who shall collect rents and remit the same to the Business Park;
- (b) to ensure good and sound management of the Business Park by formulating good policy and sustainable strategies;
- (c) to collect fees, rents and charge which are due to the Business Park;
- (d) to set rental charges of the Business Park and submit to the Board for approval;
- (e) to make sure that Cleanliness and hygiene is maintained at Business Park and the surrounding environment;
- (f) to maintain peace and order at the Business Park;
- (g) to keep up to date inventory for properties of the Business Park;
- (h) to make sure that properties of the Business Park are safe and maintain in a good order;
- (i) to prepare, keep and maintain a register for all petty traders in the Business Park;
- (j) to enact regulations or rules for proper management of the Park;
- (k) to ensure that petty traders and tenants abide with rules, regulations and guidelines of the Business Park;
- (l) to facilitate or promote growth of petty trading by encouraging petty traders and tenants to join unions like SACCOSS;
- (m) to ensure availability of water, fire safety equipment and electricity supply.
- (n) to submit periodic reports when required by relevant authorities;
- (o) to guard petty traders and tenants against any sort of discrimination ranging from race, tribe, place of origin, religion, education and disabledism;

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- (p) to ensure that safety of the Business Park, tenants, petty traders, staff and properties is satisfactorily observed or adhered to;
- (q) to ensure properties of Business Park by means of Insurance cover against any hazard;
- (r) any other function that may be as assigned to it by the Board or the Council;

(2) The Management shall have the following powers;

Powers of  
the  
Manage-  
ment

- (a) to enter into or terminate contract for service or of service;
- (b) to terminate Tenancy of any person;
- (c) to propose to the Board change of rent charges of the Business Park;
- (d) to control business carried out at the Park;
- (e) to hire and fire staffs or to second any staff of any profession in Public Service;
- (f) to borrow from banks or any financial institution by approval of the Board;
- (g) to set salary scales, and other incentives schemes for staffs of the Business Park prior to approval of the Board;
- (h) to recruit other staffs other than the Manager upon approval of the Board;

14.-(1) The Manager so appointed under section 13(2) shall be responsible to the Board while his accountability shall remain to the City Director.

(2) In performing his duty, the Manager of the Business Park under section 13(1) shall cause the City Director to receive all required information or reports concerning the affairs of Business Park for the purpose of keeping the Council informed with the progress of the Business Park;

15.-(1) In all cases the Management shall be answerable to the Board;

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- (2) The Management of the Business Park shall permit all necessary information of the Business Park to the Board and a copy to City Director who shall submit the same to the Council.

PART FOUR  
ACCOUNTS OF THE BUSINESS PARK

16.-(1) The Manager of the Business Park shall be the Accounting Officer.

(2) The Business Park shall employ a competent and qualified Accountant and other supporting staff for the purpose of keeping accounts records in a professional manner;

(3) The accountant so employed under this section shall be responsible for—

- (a) preparation of quarterly and annual financial reports;
- (b) supervision of daily operations of the accounts department;
- (c) liaison with expenditure and revenue accountant for determining daily and weekly financial position of the Business Park;
- (d) conduct regular bank reconciliation;

17.-(1) Three months after every closure of the financial year the Manager shall submit to the Board an annual audited balance sheet of Business Park.

(2) After the Submission mentioned under section 17(1) the Board shall submit the audited report to any nearby full Council meeting provided that the same passed through the finance committee of the Council.

(3) The Business Park shall employ a competent and qualified Internal Auditor and other supporting staffs under him for the purpose of executing auditorial works on books of accounts of the Business Park;

(a) in each and every quarterly meeting of the Board the Internal Auditor shall submit a quarterly audit report of the Business Park;

(b) at the end of every financial year the Internal Auditor shall submit an annual audit report of the Business Park of the past financial year and his recommendation;



PART FIVE  
MISCELLANEOUS

18-(1) Allowances for members of the Board shall be determined by the City Director in consultation with the Business Park Manager and approved by the Council from time to time.

Allow-  
ances

(2) Allowance for Board members shall be paid from the funds of Business Park;

(3) Any person who is not a member of the Board but he was invited by the Board in writing to offer his expertise shall be paid as if he is a member of the Board.

19. Notwithstanding the powers of the Board stipulated under section 12, the Board shall have General powers to make regulation, rules or By-law for purpose of smooth management of the Business Park on matters not limited to:-

(a) staff regulations on ethics, conducts, recruitment procedure, and disciplinary action;

(b) financial management;

(c) investment;

(d) staff incentive schemes and means of awarding good performing staff;

(e) any other matter the Board may deem if fit and sustainable for smooth operation of the Business Park.

The Common Seal of the Dar es salaam City Council was hereunto affixed in pursuance of the resolution passed at a meeting of the Council, duly convened and held on 24<sup>th</sup> day of November 2009 and the same was affixed in the presence of:

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BARAKA R.M. KINGOBI,  
*City Director*

CLLR. ADAM O. KIMBISA,  
*Mayor*

I APPROVE,

Dodoma,  
4<sup>th</sup> June, 2009.

Hon. MIZENGO P. PINDA, (PM.),  
*Prime Minister*