

## MANDERA COUNTY GOVERNMENT



# MINISTRY OF LANDS, PHYSICAL PLANNING, HOUSING AND URBAN DEVELOPMENT

# PREPARATION OF DRAFT VALUATION ROLL FOR ELWAK MUNICIPALITY

PROGRESS REPORT

2024



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#### 1.0 INTRODUCTION

This report provides detailed account of activities which have been undertaken in the preparation of the Draft Valuation Roll for Elwak Municipality. It explains the background of the project area, public participation, findings challenges encountered and activities of the next phase. The report is not in itself the Draft Valuation Roll but illuminates the activities undertaken during the process of preparation of the roll.

#### 1.1 Background

The County Government of Mandera is one of the 47 counties in Kenya created under Article 176 of the Constitution of Kenya. It is located in the north eastern part of the country and it is bound by the Republic of Somali to the east and Ethiopia to the north. Geographically, it covers an area of approximately 25,991km<sup>2</sup>. The County is currently having two municipalities namely Elwak and Mandera. Elwak Municipality is the administrative headquarter for Mandera South Sub-county.

Prior to devolution, Elwak Municipality was under the defunct County Council of Mandera. Administratively, Elwak Municipality has two wards namely Elwak North and Elwak South.

## 1.2 Purpose of the Valuation Roll

The Draft Valuation Roll for Elwak Municipality is a policy document that is prepared to guide in determining fair rates for rateable properties within its jurisdiction.

#### 1.3 Justification

The preparation of the Draft Valuation Roll is a legal requirement as stipulated in the Valuation for Rating Act Cap 266. Section 3 of the Act states that 'every local authority shall from time to time, but at least once in every ten years or such longer period as the Minister may approve, cause a valuation to be made of every ratable property within the area of the local authority in respect of which a rate on the value of land is, or is to be imposed, and the values to be entered in a valuation roll'.

Despite being a legal requirement, Elwak Municipality does not have a valuation roll to inform property tax. As a result, the land rates are determined without adequate policy guidance based on physical, social and economic background. This has not only led to unfair imposition of rates on property owners but also loss of revenue by the County Government. The Elwak Municipality Draft Valuation Roll is therefore a policy tool that will ensure fair property ratings and revenue generation.

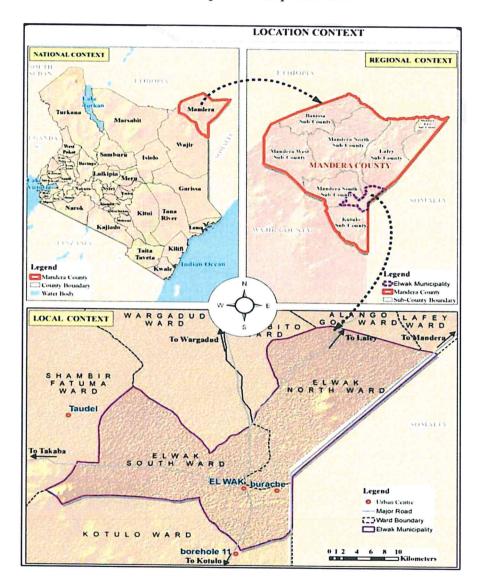
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The County Government of Mandera procured the services of Shukri Osman Consulting Associates Limited (SOCAL) to prepare the Valuation Roll for Elwak Municipality.

#### 1.4 Scope

The Draft Valuation Roll covers Elwak Municipality with an area of approximately 599.2km<sup>2</sup>. The roll will however focus specifically on rateable properties (land) which are registered and are within the approved development plan for Elwak town (2015-2035). The valuation roll will include both private and public land.



### 2.0 LEGAL FRAMEWORK

The preparation of Draft Valuation Roll for Elwak Municipality is informed by various frameworks which confer powers to local authorities (counties/municipalities) to raise tax through various channels.

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## 2.1 Constitution of Kenya, 2010

- Chapter 12 of the Constitution covers public finance, providing revenue-raising powers for both central and county governments.
- ii. Article 175 (b) states that 'county governments shall have reliable sources of revenue to enable them to govern and deliver services effectively'.
- iii. Article 209 (3) allows County Governments to impose taxes, including Property Rates.
- Article 210 gives County Governments the authority to legislate and enact laws for imposition of tax.

#### 2.2 Rating Act CAP 267

It provides the framework for imposing rates on land and buildings in Kenya. Section 4 of the Act can be adopted when the County Government aspires to levy a Site Value Rate in combination with the Improvement Rate. This section also mandates that the provisions of the Valuation for Rating Act apply.

## 2.3 Valuation for Rating Act CAP 266

This act empowers the Rating Authority to value land for the purpose of Rates and related matters. It is a process-oriented act, directing how the Valuation Roll should be prepared and outlining the necessary procedures.

## 3.0 PROCEDURE FOR PREPARATION OF THE VALUATION ROLL

This section provides the progress of preliminary activities which have been undertaken in the preparation of the draft valuation roll.

### 3.1 Stage 1: Public Notice

The notice was issued through Kenya Gazette (Gazette Notice No. 5980) and Daily Nation Newspaper (see annex 1). The purpose was to inform and seek comments from the general public before commencing the preparation of the roll. Since, there were no adverse comments or objections from the public, the consultant preceded to kick-start the process.

## 3.2 Stage 2: Presentation of Concept Report

The Concept Report was presented to the County Project Team by the Chief Consultant Mr. Shukri Osman on 23<sup>rd</sup> May, 2024 at the County Executive Committee Member's Boardroom. The concept provided the legal framework for the preparation of the valuation roll, the procedure for preparation, budget, timeframe and approval process.

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The terms of reference governing the project was also discussed and agreed upon by the consultants and the County Government team from the Ministry of Lands, Physical Planning, Housing and Urban Development.

## 3.4 Stage 3: Public Participation

Public participation workshop was conducted on 15<sup>th</sup> July, 2024 at Elwak Municipality Conference Hall from 9:00a.m.

The meeting commenced with opening remarks from the Municipal Manager, the Sub County Administrator, the Assistant County Commissioner and the County Executive Committee Member for Lands, Housing and Urban Development.

They welcomed all the attendees, outlined the importance of the exercise and set the tone for the day's discussions. The County Executive Committee Member for Lands, Housing and Urban Development officially opened the meeting.



## 3.4.1 Objectives of the meeting and need for public participation

The objectives of the meeting were outlined by the physical planner, which included;

- Informing the public about the valuation roll and its importance.
- Explain the legal basis for the valuation roll preparation.
- Gathering input and feedback from the community.

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The importance of public participation was emphasized, highlighting that community involvement is crucial for the success of the valuation roll.

#### 3.4.2 Presentation

A comprehensive power point presentation was delivered to provide detailed information on the following topics;

- What is valuation?
- Legal basis for valuation roll preparation
- Details contained in the valuation roll
- Process of preparation and approval of the draft valuation roll.

### 3.4.3 Plenary Question and Answer Session

Following the presentation, a plenary session was held to address questions and concerns from the participants. The session was interactive, allowing for a robust exchange of ideas and clarifications.

 Mohamed Ahmed Abdulla: Whether the valuation roll be prepared to completion, since most of the projects initiated in Elwak take long or even stall before completion.

Answer: Initiating the valuation roll preparation involves public participation as the initial stage. Subsequently, data collection and other essential research activities will take place. A proposal for the valuation roll will then be returned to the community for further input. The community's contributions will be considered in the final draft before it is submitted for county assembly approval.

2. Fatuma Ali: Raised concerns on the necessity of the project because of the current issues like drainage, causing flood related disasters in the Municipality.

**Response:** Preparing a valuation roll offers numerous advantages, including assigning correct values to properties and promoting fairness in property rate payments. Meanwhile, other initiatives, like improving drainage systems will be undertaken progressively by the relevant Ministries.

3. **Ibrahim Ali:** When will Elwak Municipality be Surveyed?

Response: Surveying of Elwak Municipality will commence after the Integrated Strategic Urban Development Plan is approved by the County Assembly.

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Additionally, a project to place Geodetic Controls is being implemented to ensure precise surveying of the Municipality.

The participants were invited through Daily Nation Newspaper publication (annex 2). There were also letters to heads of organizations such as Civil Society Organizations, Maendeleo ya Wanawake, Kenya Chamber of Commerce, youth and religious organizations among others.



# COUNTY GOVERNMENT OF MANDERA MINISTRY OF LANDS, HOUSING PHYSICAL PLANNING HOUSING AND URBAN DEVELOPMENT



## **PUBLIC NOTICE**

## PUBLIC PARTICIPATION ON THE PREPARATION OF THE DRAFT VALUATION ROLL 2024 FOR MANDERA AND ELWAK MUNICIPALITIES IN MANDERA COUNTY

NOTICE is hereby given to all residents and stakeholders of Mandera and Elwak Municipalities that pursuant to the provisions of Article 175 (b), 209(3)(a) of the Constitution of Kenya and Valuation for Rating Act (Cap 266) and Rating Act (Cap 267), the County Government of Mandera through the Department of Lands, Physical Planning, Housing and Urban Development intends to carryout public participation in Mandera and Elwak Municipalities pursuant to the provisions of Article 10(2) of the Constitution of Kenya, 2010.

Members of the public, interest groups, non-state actors and stakeholders are invited to participate in the scheduled public forums in the in the respective areas to give their views on the exercise.

DATE	AREA	VENUE	TIME
Monday	Mandera	Amara Blue	9.00am
08/07/2024	Municipality	Resort	
Monday	Elwak	Elwak	9.00am
15/07/2024	Municipality	Municipality Hall	

HON. SALAH MAALIM ALIO County Executive Committee Member for Lands, Physical Planning, Housing and Urban Development Mandera County

Notice of public participation

The participants consented to the preparation of the valuation roll.

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## 4.0 RECONNAISSANCE AND DATA COLLECTION

#### 4.1 Reconnaissance

The team led by Mohamed Samow (Principal Physical planner), conducted reconnaissance survey on 16<sup>th</sup> July, 2024 to enable the valuation team familiarise themselves with the villages and to meet the local elders assigned to guide the field team. Mapping and zoning of the villages were done during the reconnaissance to enable the team undertake data collection in a structured manner.



Data collection committee meeting (elders and county technical team) after reconnaissance

## 4.2 Secondary and Primary Data collection

Secondary and primary data collection started concurrently on exercise began on 17th -28th July, 2024

#### 4.2.1 Secondary data

Secondary data was collected from the existing land records in Elwak. The land administrator and registry clerks were tasked to extract all the available data from the land registers. The data was categorised according to the villages.

Other sources of secondary data obtained included Elwak Integrated Strategic Urban Development Plan (2015-2035). The plan informed the team on geographic scope, zoning and various land uses and sizes.

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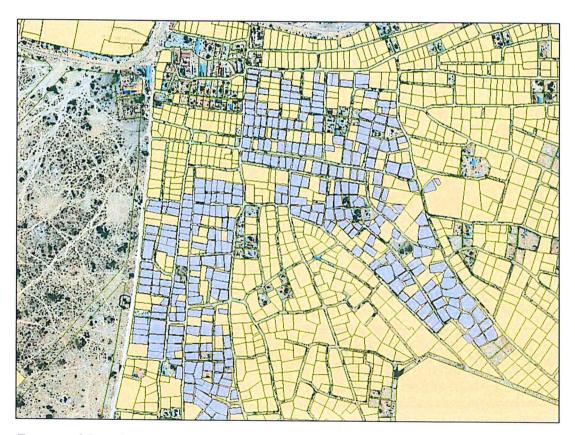


### 4.2.2 Primary Data

It was established that **all** the existing records of properties in Elwak lack important details such as acreages and zoning which are critical in determination of property values. The preparation of valuation roll is therefore void without such details. The consultant was therefore driven by this critical gap to undertake digitization of all developed properties in Elwak Municipality. Consequently the technical team undertook the exercise by picking the coordinates of all the plots which were then entered, digitized and analysed using the ArcGIS software.

The details provided through the digitization process included;

- i. Size of the plot (Hectares)
- ii. Details of property owner (name, ID and phone number)
- iii. Locality/village
- iv. Type of use (commercial, residential, industrial etc)
- v. Digital Map of the properties



Excerpt of digital map

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### 5.0 WAY FORWARD

The preparation of the Draft Valuation Roll for Elwak Municipality is about 30% complete. The next stages will involve:

- i. Inspection of properties by the valuers
- ii. Preparation of draft valuation roll
- iii. Presentation of the draft to the County Government and the general public
- iv. Review and amendments (where necessary)
- v. Publication of Notice of Completion (Kenya Gazette and one new newspaper of national circulation)
- vi. Submission to County Assembly for approval



#### 6.0 ANNEXES

## Annex 1: Notice for preparation of Draft Valuation Roll

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## THE VALUATION FOR RATING ACT THE RATING ACT

#### MANDERA COUNTY GOVERNMENT

#### PREPARATION OF THE DRAFT VALUATION ROLL, 2024

Preparation of the Braft Valuation Roll 2024

IN EXERCISE OF the powers conferred by Section 3 of the Valuation for Rating Act Cap 266 of the Laws of Kenya, the County Government of Mandera hereby gives notice that the above-mentioned draft valuation Roll is under preparation and will cover all ratable areas within Mandera and Elwak Municipalities.

IN EXERCISE of the Powers Conferred by section 4(1)(c) of the Rating Act cap 267 of the Laws of Kenya, the County Government of Mandera adopts SITE VALUE RATE for the purpose of levying rates.

IN EXERCISE of the powers conferred by section 2 of the Valuation for Rating Act Cap 266 of the laws of Kenya, the County Government of Mandora adopts the "Time for Valuation" for the purpose of preparation of the draft valuation roll 2024 as the 31st December 2023.

Appointment of Valuer

IN EXERCISE of the Powers conferred by Section 7 of the Rating Act Cap 267 of the Laws of Kerny the County Government of Mandera appoints Valuer SHUKRI OSMAN ISAACK [B.A. Land Econ, MISK, RV] of P. O. BOX 17501-00100 HAIROBI-KENYA as the Valuer to prepare the Draft Valuation Roll 2024

Dated the 15th May, 2024

HON.SALAH MAALIM ALIO, CECM Lands, Physical Planning, Housing, Urban Developmen Circular Economy, Solid Waste Management and Sanitation,

THE VALUATION FOR RATING ACT

(Cap. 266)

THE RATING ACT

(Cap. 267)

COUNTY GOVERNMENT OF MANDERA

PREPARATION OF THE DRAFT VALUATION ROLL, 2024

1. Preparation of the Draft Valuation Roll 2024

IN EXERCISE of the powers conferred by section 3 of the Valuation for Rating Act (Cap. 266) of the laws of Kenya, the County Government of Mandera gives notice for the above-mentioned draft valuation Roll is under preparation and will cover all ratable areas within Mandera and Elwak Municipalities.

2. Form of Rating

IN EXERCISE of the powers Confered by section 4 (1) (c) of the Rating Act (Cap. 267) of the laws of Kenya, the County Government of Mandera adopts Site Value Rate for the purpose of levying rates.

IN EXERCISE of the powers conferred by section 2 of the Valuation for Rating Act (Cap. 266) of the laws of Kenya, the County Government of Mandera adopts the "Time for Valuation" for the purpose of preparation of the Draft Valuation Roll, 2024 as the 31st December, 2023.

4. Appointment of Valuer

IN EXERCISE of the Powers conferred by section 7 of the Rating Act (Cap. 267) of the laws of Kenya, the County Government of Mandera appoints Valuer Shukri Osman Isaack (B. A. Land Econ, MISK, RV) of P.O. Box 17501–001100, Nairobi, Kenya as the Valuer to prepare the Draft Valuation Roll, 2024.

Dated the 7th May, 2024.

SALAH MAALIM ALIO, CECM Lands, Physical Planning, Housing, Urban Development, Circular Economy, Solid Waste Management and Sanitation,

Kenya Gazette

## Daily Nation Newspaper

## **Annex 2: Public Participation Notice**



COUNTY GOVERNMENT OF MANDERA COUNTY GOVERNMENT OF MANDERA
MINISTRY OF LANDS, HOUSING PHYSICAL
PLANNING HOUSING AND URBAN
DEVELOPMENT



#### **PUBLIC NOTICE**

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Members of the public, interest groups, non-state actors and stakeholders are invited to participate in the scheduled public forums in the in the respective areas to give their views on the

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15/07/2024	Municipality	Municipality Hall	

HON. SALAH MAALIM ALIO County Executive Committee Member for Lands, Physical Planning, Housing and Urban Development **Mandera County** 



## **Annex 3: Participants List**

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## Annex 4: List of local elders enlisted in data collection

### REPUBLIC OF KENYA



## OFFICE OF THE PRESIDENT

MINISTRY OF INTERIOR AND CO-ORDINATION OF NATIONAL GOVERNMENT

Telegraphic address "CHIEF" Telephone (0725372717

CHIEF'S OFFICE **ELWAK TOWN LOCATION** P.O. Box 24 - 70301 ELWAK.

DATE 18-07-24

I have nominated the following elders from my location to assist the ministry of lands con date collection

JANAL MOHANTES DISS. 0727 208912 - 7 TOWN SHIP

3. AD AN HOSERN 16-REN - 0723287349 7 4. ABDIKER DIKA MOHAMED - 0720287993 J BULLA

182244m Abikio -0726901008 7 South Clarky HILLOW MAHAD -0711 304630 ) Pomer

7. 155 QZ

MOHMUES BASELO - 07010 44118 7 GOROSOSHAN-HAZSAN - 0725027727

S- IBRAHIM

HAJSAN . M.

Report Compiled by:

Maurice O. Amimo

Deputy Director Physical Planning/Team leader

MANDERA COUNT 02/10/2024

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