

MINISTRY OF LANDS, PHYSICAL PLANNING, HOUSING AND URBAN DEVELOPMENT

PREPARATION OF DRAFT VALUATION ROLL FOR MANDERA MUNICIPALITY

PROGRESS REPORT

2024

TABLE OF CONTENTS

1.0 INTRODUCTION	3
1.1 Background	3
1.2 Purpose of the Valuation Roll	3
1.3 Justification	3
1.4 Scope	4
2.0 LEGAL FRAMEWORK	4
2.1 Constitution of Kenya, 2010	4
2.2 Rating Act CAP 267	4
2.3 Valuation for Rating Act CAP 266	5
3.0 PROCEDURE FOR PREPARATION OF THE VALUATION ROLL	5
3.1 Stage 1: Public Notice	5
3.2 Stage 2: Presentation of Concept Report	5
3.3 Stage 3: Secondary Data Collection	5
3.4 Stage 4: Awareness and Sensitization	6
4.0 CONFIRMATION OF PROPERTY VALUES	10
4.1 Activity Schedule	10
4.2 Findings	12
5.0 WAY FORWARD	13
6.0 ANNEXES	14
Annex1: Notice for preparation of Draft Valuation Roll	14
Annex 2: Public Participation Notice	14
Annex 3: Participants List	15

1.0 INTRODUCTION

This report provides detailed account of activities which have been undertaken in the preparation of the Draft Valuation Roll for Mandera 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 25,991km². The County is currently having two municipalities namely Elwak and Mandera. Mandera Municipality is the administrative capital of the County.

The administrative function of the municipality and its location at the borders of Somalia and Ethiopia has contributed significantly to its development as a commercial hub in the region. Prior to devolution, Mandera town was under the defunct Mandera Town Council while the peri-urban areas were under the jurisdiction of Mandera County Council. Administratively, Mandera Municipality covers three wards namely Township, Neboi and Khalalio

1.2 Purpose of the Valuation Roll

The Draft Valuation Roll for Mandera 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, Mandera Municipality does not have a valuation roll to inform property tax. The last valuation roll was prepared by the defunct Town Council of Mandera but is currently out-dated due to the new constitutional dispensation which has led

to restructuring of systems of governance and administration. As a result, the land rates in the county are determined without adequate consideration of 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 Mandera Municipality Draft Valuation Roll is therefore a policy tool that will ensure fair property ratings and revenue generation.

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

1.4 Scope

The Draft Valuation Roll covers Mandera Municipality with an area of approximately 599.2km². The roll will however focus specifically on rateable properties (land) which are registered and are within the approved development plan for Mandera town (2015-2035). The valuation roll will include both private and public land.

2.0 LEGAL FRAMEWORK

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

2.1 Constitution of Kenya, 2010

- i. 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.
- iv. 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 23rd 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.

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

3.3 Stage 3: Secondary Data Collection

Secondary data collection was conducted from 27th May to 5th June, 2024. Secondary data included all land records in the digital and manual registers, survey plans and the approved development plan for Mandera town.

The county government team involved in secondary data collection was drawn from the departments of lands, physical planning and survey. Also in the team were two officers (property valuers) from the consultancy firm.

S/No.	Name	Designation
1.	Rashid Hassan	Director Lands, Phy. Planning, Housing & Urban Dev.
2.	Maurice Amimo	Deputy Direct Physical Planning
3.	Mohamed Samow	Principal Physical Planner

4.	Mohamud Ibrahim	Principal Land Administrator	
5.	Aftin Ahmed	Chief La	and Administrator
6.	Hussein Bubal	Assistan	t Director Survey
7.	Maxwell Otieno	Physical Planner	
8.	Hared Ibrahim	Land sur	rveyor
9.	Rahma Mohamed	Registry	Clerk
10.	Shankara Osman	Registry	Clerk
11.	Hellen Aluoch		Valuer
12.	Kauthar Hagi		Valuer

3.4 Stage 4: Awareness and Sensitization

The awareness and sensitization workshop was conducted on 8th July, 2024 at Amara Blue Resort in Mandera Town. The purpose was to enable the residents understand the Valuation Roll as a policy document and its significance to Mandera Municipality and property owners.

The participants were invited through Daily Nation Newspaper publication (annex 2). Most of the participants acknowledged receiving the invitation through the newspaper. 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.

The opening of the workshop was presided over by the County Assembly Lands Committee Chairperson Hon. Adan Mohamed Ali and Member of County Assembly for Khalalio ward Hon. Mohamed Yusuf Mohamed. Mandera Municipality Manager was represented by the head of Finance Mr. Adan Abdi Baraka.



Lands committee chairperson (standing), MCA Khalalio Ward and Mandera Municipality head of finance during the workshop opening session.

3.5 Proceedings of the workshop

The facilitators led by Mr. Maurice Amimo took the participants through the process of preparation of the Draft Valuation Roll, the legal backing and the benefits. The participants were informed that the preparation of the roll is provided for by the Constitution of Kenya and Valuation for Rating Act Cap 266. They were also informed that the document will provide a fair ground for levying tax on land depending on the type of use, location and size as opposed to the current system which is not guided by any local policy.

They were further informed that the roll will contain the following details;

- i. Name of owner and address
- ii. Parcel number
- iii. Type of ownership (public or private)
- iv. Size of the parcel (Hectares or Acres)
- v. Location (zone or village)
- vi. Type of user (commercial, residential, recreational, agricultural etc.)

Nonetheless, the participants were informed that the Draft Valuation Roll will be submitted to the County Assembly of Mandera for determination of the rates based on the local economy and the residents' income capacity.

The development plan for Mandera was used to demonstrate and make the participants understand the scope, land uses and areas which are rateable.



The participants were finally given opportunity to give their views and the following questions and comments were received;

Name	Question/comment	Reactions/answer by facilitators
Issadin Hassan	Is the valuation roll	Khalalio grazing areas are outside the
Mohamed (Khalalio)	going to cover livestock	planned boundary and will not
	grazing areas such as	therefore be included in the valuation
	Khalalio?	roll
Nur Mohamed	i. When will the rates be	i. The Draft Valuation Roll will be
(Mandera County	effective?	submitted to the County Assembly to
Human Rights	ii. Why are we paying	determine rates. It will be effective
Network)	rates?	upon approval by the Assembly
	ii. Will the reports be	ii. The rates collected enables the
	available for public	County Government to provide
	access?	services to the residents
		iii. The public participation report and
		the Draft Valuation Roll are public
		documents and will be made
		available to the public
Adan Abdirahman	i. How was invitation	i. Invitation was open to the public
(Garabaqoley Village)	done and why was it	through newspaper publication
	selective?	Invitation letters were also sent to
	ii. Why relate land use	individuals and there was no
	plan and valuation	biasness
	roll	ii. The land use plan shows the various
	iii. What happens to	zones such as residential,
	public land that has	agricultural etc. the plan is also
	been grabbed and	approved and therefore is legal to
	developed	be used in guiding the preparation
		of the Roll
		iii. Public land developed by
		individuals cannot be treated as
		private and will not therefore be
		rated

Abdi Abdullahi	i. The current charges	i. The valuation roll will be an official
	are already different	document that will fix the rates
	in all areas. What is	ii. Service provision is the role of the
	the need for a	municipality. The valuation will lead
	valuation?	to improved revenue generation for
	ii. Why is revenue	service provision
	collected and there	
	are no proper services	
	to the public?	
Abdille Sheikh	Parcels that were	The county government is currently
	surveyed in the past	processing about 10,000 title (the
	have no title/allotment	CECM is can adequately respond to the
	letter. What is the	question)
	county government	
	doing about this?	
Maalim Abdirahman	Can unsurveyed land be	Yes. The planners and surveyors will
	valued	pick the plot boundaries to establish the
		sizes
Mohamed Hussein	Will the poor be	The Valuation Roll will be submitted to
	considered in assigning	the assembly to determine the rates
	the land rates	based on their knowledge of the local
		population
Issadin Hassan	i. What documentation	i. All land outside Mandera
Mohamed	do we have for the	municipality is community land.
	community land	ii. The structures for community land
	ii. What will be done to	is not yet in place but the county
	the community land	has initiated the process
	that has been picked	iii. The county will soon organize for
	by the technical	other workshops to sensitize the
	officers	residents on community and Act
		and the requirements for
		registration.

The Question and Answer session was led by Maurice Amimo and assisted by Mohamed Samow (principal Physical Planner), Aftin Ahmed (Chief Land Administrator), Hussein Bubal (Assistant Land Surveyor) Maxwell Otieno (Physical Planner) and Eng. Said (Mandera Municipality)



Members of the public during public participation workshop at Amara Blue Resort

Majority of the participants (70%) were in favour of the preparation of the valuation roll. They however reiterated that the County Government should be fair in ratings and service provision to the residents should be improved.

4.0 CONFIRMATION OF PROPERTY VALUES

Stage 5: Inspection of properties

The properties were inspected with the assistance of County Land Administrators and land sale agents in Mandera Municipality from 25th to 28th September, 2024. The activities undertaken were as follows;

4.1 Activity Schedule

Day	Activity
25 th September, 2024	Departmental meeting
	Meeting with land selling agents to plan for field
	activities
26 th -27 th September, 2024	Field inspection with land buying/selling agents
28 th September	Meeting with land officer to corroborate field data
	and existing records
29 th September, 2024	Compilation and data entry

The team used different land buying/selling agents in all the villages to ensure data reliability. The data collected was compared during the meeting held on 28th September, 2024 and unreliable data was discarded. It was found that some agents did not provide reliable data on the basis that the roll is likely to be used by the county government to hike the rates.



Physical planners, consultant and the land selling agents Mr. Saney (standing) and Mr Bashir (brown t-shirt) analysing Mandera Plan at the Physical Planning Office



Lands officers and the consultants meeting at the boardroom to validate the data

4.2 Findings

The team established that the land values are influenced by the following;

a) Accessibility and status of access roads

Purchase price for properties in areas with good road networks and along the tarmac are high road compared to those in the second row and beyond. This is evident in areas such as Busle, Duse and old town (A13 road).

b) Location

Plots in settlements such as Bulla Mpya, Kamor, Shafshafey despite being unsurveyed are costly compared to surveyed plots in the same locality.

c) Social and clan factors

Social class and clan issues were also found to dictate the purchase price. This explains why areas such as Neboi despite being strategically located have low prices compared to areas such as Barwaqo and Busle.

d) Political regime

The land buying/selling agents indicated that change in political regimes and the current state of the economy have negatively affected land prices. There are very few land transactions taking place and the prices in prime areas like Shafshafey, and Old town have reduced.

e) Type of use

Agricultural farms are currently trading at very low prices and most farmers are not willing to sell. Commercial plots have the highest purchase price.

4.3 Challenges encountered

a) Language barrier

This was experienced during public participation and verification of property values in the field. Some participants were not conversant with English or Kiswahili and the facilitators had to rely on translators despite the fact that some English terminologies could not be expressed effectively in Somali language.

b) Uninformed public

Most of the residents do not understand the significance of the valuation roll in guiding property tax. Some participants and the land selling/buying agents argue it is one way the County Government intends to use to unfairly increase property taxes.

c) Missing details

Details of some parcels such as measurements (acreage) were missing. The team resolved this by doing calculations from available maps and plans.

d) Missing records

Some records especially in old town were not available at Mandera land registry. The consultant was referred to Land Survey headquarter in Nairobi to acquire the survey plans and owners details.

e) Unsurveyed and unregistered plots

There are several developed but unregistered and unsurveyed plots in the project area. The consultant team was not able to obtain details such as name of owners and size. It was decided by the team that the parcels should be picked by use of hand-held GPS and digitized for determination of sizes.

f) Inaccurate data

The team realised that some land selling/buying agents were not providing accurate data on land values. This was resolved through corroboration of existing records and data from different agents.

5.0 WAY FORWARD

The preparation of the Draft Valuation Roll is about 60% complete. The activities for the next stages are as follows:

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

6.0 ANNEXES

Annex1: Notice for preparation of Draft Valuation Roll

22 THE VALUATION FOR RATING ACT (Cap. 266) THE RATING ACT [Cap. 267] MANDERA COUNTY GOVERNMENT PREPARATION OF THE DRAFT VALUATION ROLL, 2024 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 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 Konya, 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. 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 Pt. 0. BOX 17501-00100 NAIROBI-KENYA as the Valuer to prepare the Draft Valuation Roll 2024. GAZETTE NOTICE NO. 5980

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.

- 3. Time for Valuation
- 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 17501–00100, 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,

MR/6166528

Daily Nation Newspaper

Dated the 15th May, 2024.

Kenya Gazette

Annex 2: Public Participation Notice

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



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

DATE	AREA	VENUE	TIME
Monday	Mandera	Amara Blue	9.00am
08/07/2024	Municipality	Resort	725,3655,365,000
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



COUNTY GOVERNMENT OF MANDERA



DEPARTMENT OF LANDS, HOUSING, PHYSICAL PLANNING AND URBAN DEVELOPMENT
P.O BOX 13-70300 MANDERA

PUBLIC PARTICIPATION ON PREPARATION OF MANDERA MUNICIPALITY DRAFT VALUATION ROLL 2024

NO	NAME	ID No	DESIGNATION	TEL NO:	SIGN
1.	SAID HAIL HASSAN OMAR	3055385b	MUNICIPAR CIVIL ENGINEEL	0708455565	Eng yel
3.	ADAN ABOI BARAKA	29315699	PRINICIAL FINANCE-MM	0727965615	- Joseph
3	MAURICE AMIMO	23630102	Dept Dir. Physical Planning	0723208566	Munit
4.	Maxwell K. Othero	25255960	Physical Penner)	0723222649	Mosal
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COUNTY GOVERNMENT OF MANDERA



DEPARTMENT OF LANDS, HOUSING, PHYSICAL PLANNING AND URBAN DEVELOPMENT
P.O BOX 13-70300 MANDERA

PUBLIC PARTICIPATION ON PREPARATION OF MANDERA MUNICIPALITY DRAFT VALUATION ROLL 2024

				Date	:8 th July, 2024
NO	NAME	ID No	DESIGNATION	TEL NO:	SIGN
N.	Bishar Gulye Alio	2111327	ELDER	0721465805	5
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COUNTY GOVERNMENT OF MANDERA



DEPARTMENT OF LANDS, HOUSING, PHYSICAL PLANNING AND URBAN DEVELOPMENT P.O BOX 13-70300 MANDERA

PUBLIC PARTICIPATION ON PREPARATION OF MANDERA MUNICIPALITY DRAFT VALUATION ROLL 2024

				Date	:8 th July, 2024
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725	MOOR ARDOW AHMED	10028633	Human RIGHTS	0720748067	# Township
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134	Hawa Hussein Mahad	7874587	Civilian	0722727015	HAWA
3	Fatuma Mohamad Ahmed	13002246	Civilian	0710141144	Paker
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COUNTY GOVERNMENT OF MANDERA



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PUBLIC PARTICIPATION ON PREPARATION OF MANDERA MUNICIPALITY DRAFT VALUATION ROLL 2024

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Maurice O. Amimo
Deputy Director Physical planning/team leader