

Municipality of Swakopmund

SUPPLEMENTARY AGENDA NO. 2

COUNCIL MEETING

ON
TUESDAY
30 APRIL 2024
AT
19:00



CONTACT US:

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11.1.22 **CLAIM FOR WATER DAMAGED HOUSEHOLD PROPERTIES – ERF 121 MONDESA**
(C/M 2024/04/30 - 3/14/2)

Special Management Committee Meeting of 30 April 2024, Addendum **10.1** page **04** refers.

A. This item was submitted to the Management Committee for consideration:

INTRODUCTION

FA Developers was appointed by Messrs. Erongo Red for excavating works which were carried out in OB Street on the 9th of January 2024 installing telecom cables. Resultantly a 90mm pipe burst occurred and was reported to our Water Works section to close the water supply for the repairs to the water pipe of which the report is attached for ease of reference.

Mr. Herman J Gonteb, residing in erf 121, OB Street in Mondesa claimed water damages to his properties at the loss of N\$12 000 against Council on the 16th February 2024.

The claim was submitted to Hollard, Council's insurance and was declined as per attached letter dated 5th March 2024. Mr, Gonteb did not accept the outcome of his claim has been visiting Finance and CEO's offices claiming his losses.

B. After the matter was considered, the following was:-

RECOMMENDED:

- (a) That it be noted that a pipe was damaged by FA Developers who was appointed by Erongo Red and not by Council to do excavation in OB Street on 24 January 2024.**
 - (b) That it be noted that a claim, was submitted to the insurances, however they rejected, since Council is not liable for the damage suffered of N\$12 000.00 by Mr. Gonteb.**
 - (c) That Mr. Gonteb be notified to engage with FA Developers and E-RED to find an amicable solution to his loses.**
-



+264 64 410 4111 | swkmun@swkmun.com.na | P.O. Box 53, Swakopmund, Namibia

Ref No.: 3/14/2

Enquiries: Mrs Gaudensia Mukena

25 April 2024

Owner
Erf 121 OB Street
Mondesa
SWAKOPMUND
13001

Dear **Mr Herman Gonteb,**

CLAIM FOR WATER DAMAGED HOUSEHOLD PROPERTIES - ERF 121 MONDESA

We make reference to the subject matter.

We acknowledge receipt of your letter dated 15 February 2024.

A liability claim was lodged with Council's Insurers (Marsh Namibia (Pty) Ltd) under claim number: L03/02-2024.

Pursuant to an independent investigation executed by the Insurance team, it was found that Council is not liable for the water damages caused to your household properties. With the latter stated, Council therefore does not have any financial obligation towards payment of the estimated N\$12 000.00 loss of property claim.

However, Council is hereby informing that there were excavating works carried out in OB Street on the 9th of January 2024 by FA Developers, who were appointed by Erongo Red and not Swakopmund Municipality. Resultantly, a pipe burst occurred and was reported to our Water Works Section. Thus, we kindly advise you to consider engaging FA Developers to find an amicable solution to your claim.

Hereunder is the contact details of FA Developers should you wish to pursue our recommendation.

FA Developers cc
3957 Industrial Area
Swakopmund - Namibia
+264 64 460 143

I trust that you will find the above in order.



Yours faithfully



Mrs Gaudensia Mukena
MANAGER FINANCE

HN/afs



Hollard

5 March 2024

Mr HJ Gonteb
Erf 121 OB Street
Mondesa

Our Ref: 294374

"Without Prejudice"

Dear Sir/ Madam

RE: MUNICIPALITY OF SWAKOPMUND – WATER DAMAGE DATED 10/1/2024 CLAIM 294374

With reference to the above claim lodge with Hollard:

It is the view of Hollard that Municipality of Swakopmund, herein after referred to as *our client*, did not act negligently in the circumstances in question. The event that occurred were outside of our client's control and not deliberate.

Therefore, Hollard will not propose a settlement in this approach.

Sincerely



Zelda Buitendag

Bcom. (Law) LLB (Stel) Attorney

Legal Officer | Legal | Namibia

T: +264 61 422 600 E: ZBuitendag@hollardnam.com

www.hollard.com.na
HOLLARD INSURANCE COMPANY OF NAMIBIA LIMITED
Registration number 2003/049

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Directors: DJ Viljoen* (Chairman) JC Lamprecht Rivi Astor (Managing) PMP Kalpsge* YZN Nambahu BP Zaaruka JA Vermeulen (Alternate)
*South African

15 FEBRUARY 2024

P.O. Box

SWAKOPMUND

NAMIBIA

THE CHIEF EXECUTIVE OFFICER
SWAKOPMUND MUNICIPALITY



SIR

RE: CLAIM FOR DAMAGED HOUSEHOLD PROPERTIES

REFERENCING THE ATTACHED SWORN DECLARATION, THE BELOW CLAIM IS HEREBY FORMALLY SUBMITTED FOR CONSIDERATION BY MY ESTEEMED MUNICIPALITY.

ON THE NIGHT OF 10 JANUARY 2024 I WAS AWOKEN BY A STORM WATER THAT ENTERED MY GHETTO. UPON CLOSURE INSPECTION I NOTED THAT THE MAIN WATERPIPE IN THE STREET BURSTED RESULTING IN A VOLUME OF WATER ENTERING MY GHETTO. THIS RESULTED IN ME SUFFERING SUBSTANTIAL LOSSES AS A RESULT OF DAMAGE TO MY PERSONAL PROPERTY, BEING MY TV, 2X CELLPHONES, STOVE, FLOOR COVERING AND SOME SHOES.

I DO NOT HAVE ANY INSURANCE ON THE MENTIONED ITEMS THUS MY WRITTEN REQUEST FOR COMPENSATION FROM THE MUNICIPALITY.

My estimated value for the items so
damaged by the water is N\$12,000-00
thus my humble but urgent request that
the Municipality compensate me as such.

Your favourable consideration of my claim
will be highly appreciated and kindly note
that I am open for any meeting and
discussion on this matter

Yours faithfully



HERMAN J. CONTEB

ERF 121

OB STREET

MONDESA

Cell: 081 763 11 00

B

OB 689/01/2024

3/11/24

SWORN/AFFIRMED DECLARATION

SURNAME: GONDJE FULL NAMES: HERMANN JOSEPH
 ID NO: 73910300212 SEX: NM
 RESIDENTIAL ADDRESS: NTV 12, OB Street, Mankwa TEL: 0812631100
 EMPLOYED AT: _____ TEL: _____
 HOME LANGUAGE: Ktice-Kluegouab BUT I STATE IN ENGLISH:

I HEREBY DECLARE UNDER OATH THAT I:

I herewith state under oath that on Wednesday 2024/01/10 at about 21:00 whilst I was asleep I was waken up by storm clean water outside our home into my ghetto whereby ~~my~~ ^{Polish Construction} ~~Telecom~~ ^{Handheld} are busy with their construction ~~may be~~ ^{may be} accidentally a water pipe burst as result in the process my properties were damaged TV, stove, shoes and 2 cell phones were wet and the value estimated are ~~£112~~ ^{£112} and I would like compensation of my properties as a result of ~~the~~ ^{the} ~~incident~~ ^{incident}.

I KNOW AND UNDERSTAND THE CONTENTS OF THIS DECLARATION.
 I HAVE NO OBJECTION IN TAKING THE PRESCRIBED OATH.
 I CONSIDER THIS PRESCRIBED OATH TO BE BINDING TO MY CONSCIENCE.

PLACE: Swakopmund
 DATE: 2024/01/11
 TIME: 15H17

[Signature]
 SIGNATURE
 Before me: [Signature]

I certify that the deponent acknowledged that he/she know and understand the contents of this declaration, which was read through and sworn/affirmed to before me and signature placed on it in my presence at

Swakopmund on this 11th day of JANUARY 2024 at about 15H17



[Signature]
 COMMISSIONER OF POLICE
 NAME: Richard A. TSWEB
 RANK: INSPECTOR
 FORCE NO.: 07091

SWAKOPMUND POLICE STATION
 TOBIAS HAINYEKO STREET
 PRIVATE BAG 5016
 SWAKOPMUND

3-2/0225

POL 551

Day of week and date. Thursday 11.01.2024

Serial No.	Time	Nature of occurrence
684		CLM cancelled due to wrong Entry
682 685	14:55	Duty off. R/cst Bias report off duty Member free from injuries no complaints
686	14:58	Deployment members of B Shift deployed as follows (1) Sgt ¹ Imbanga - C/O (2) Sgt ² Ndlovu - Driver (3) Sgt ³ Mupfema - C/O (4) Sgt ⁴ Van Schaik - Cell guard Well deployed. 191049 Sgt ¹ Imbanga
687	15:28	Engine oil leaked out: Sgt 01 Mba go back out 03x500ml engine oil for pol 9004. Well received 179852 (111131) Sgt
688	15:25	Admission of Guilt Paul: George S.W. Jacobs R/c an amount of R8500-00 on receipt 179856 Sumner 6532934 and Amber M Engel R/c an amount of R81000-00 on receipt 179857 Sumner 36103

AB 689 15:30 Incident Report: Hermann Joseph Gondel who reads P.T.O

Day of week and date: Thursday 11.04.2024

Serial No.	Time	Nature of occurrence
13: 689		<p>Call at house no. 121, in OB street Moulla ID no. 73010300212 Call number 0817631100 under the change office and report that on Wednesday 2024/04/10 about 2:00 while he was asleep at his photo, he was waken up by some clean work and after investigation he found that a water pipe outside the house burst and as result in the process his properties damage refer to TV set, stove, shoes and 2 cellphones and according to information JBH Construction Khatim and Teletel as stakeholders are busy with construction work in the area, and the estimate value of \$12,000 damage are yes, and I would like compensation for my properties as he spoke to the office of the Mayor, and for police investigation, as photos also taken for reference.</p> <p style="text-align: right;"><i>[Signature]</i></p>

