MINUTES OF A VIRTUAL ORDINARY COUNCIL MEETING OF KOUGA MUNICIPALITY HELD ON WEDNESDAY, 29 OCTOBER 2025 AT 10:00 AM

PRESENT: Councillors	J Alexander	
	C August	
	Ald D Benson	
	H Bornman	(Executive Mayor)
	B Dhludhlu	
	R Foley	
	W Gertenbach	
	V Gunuza	
	A Hendricks	
	F Heystek	
	T Jantjes	(Deputy Executive Mayor)
	L Maree	(Speaker)
	M Mbandana	
	E Mbuqu	
	K Ndzelani	
	M Nicholls	
	L Nkilishane	
	N Ntengwane	
	N Ntshota	
	P Oliphant	
	W Petersen	
	C Pietersen	
	S Ruth	
	G Stuurman	
	M Valgee	
	W van der Linde	
	M van Niekerk	
	M Yali	
	V Zana	

Officials & Municipal Manager	C du Plessis	(Municipal Manager)
	D de Jager	(Deputy Municipal Manager)
	R Lorgat	(CFO)
	N Machelesi	(Director: Community Services)
	J du Toit	(Acting Director: Civil & Water Services)
	T Madatt	(Director: Electro-Mechanical Services)
	L Ramakuwela	(Director: Planning & Development)
	L Opperman	(Manager: Legal Services)
	E Goliath	(Manager: Public Participation)
	D Klopper	(Office Administrator: Office of the Speaker)
	K Minnaar	(Manager: Special Programmes)
	M Rossouw	(Manager: Administration & Auxiliary Services)
	M Basson	(Manager: Media & Communication)
	S Mlonyeni	(Communication Officer)

C Prinsloo	Legal Officer: Office of the Speaker)
R Klaasen	(Media Liaison Officer)
Z Njikelana	(Media Liaison Officer)
R Swart	(Committee Officer)
N Dlova	(Committee Clerk)
M Mitchell	(Committee Clerk)

Councillors are required to comply with the Standing Rules and Orders of Council and all its Committees By-law as promulgated in the Provincial Gazette on 22 October 2018 No.4134 and applicable to this meeting of Council. Any person who willfully contravenes any provision of these rules shall be guilty of an offence and which contravention shall be dealt with in accordance with the disciplinary procedures for Councillors.

A G E N D A

1. **NOTICE OF MEETING**

The Speaker read the notice convening the meeting in terms of Section 19 of the Local Government: Municipal Systems Act,2000 (Act No.32 of 2000) that an Ordinary Council Meeting will be held virtually on 29 October 2025 at 10:00 a.m.

2. **OPENING AND WELCOME**

The Speaker welcomed everyone present to the meeting and requested Cllr G Stuurman to open with a prayer.

Cllr Foley and Cllr Zana requested an opportunity to table a Motion of Exigency. The Speaker granted that the Motion of Exigency be presented at the end of the Open agenda discussions.

3. **ABSENT WITH LEAVE**

C de Kock (Director: Civil & Water Services

4. **ABSENT WITHOUT LEAVE**

None

5. **PRESENTATIONS**

None

6. **ACKNOWLEDGEMENTS, CONDOLENCES & CONGRATULATIONS**

Cllr Mbandana extended condolences to the families of Brandon Jonas, and Mamma Vuyiswa Swepu, acknowledging their recent losses. He also congratulated the delegation from China's Jilin Province for their visit to the Eastern Cape, highlighting engagements in agriculture, manufacturing, railway, ICT and Satellite Technology. The Eastern Cape Premier Lubabalo Oscar Mabuyane, was commended for his leadership in promoting economic development in the province.

The Executive Mayor extended condolences to the Manuel family following the passing of Mr. Manuel, a general worker in the Municipality's roads team. Council support was acknowledged, and sympathies were expressed.

The Executive Mayor also congratulated Hankey Villagers Rugby Club on winning the Second Division Rugby Championship. Further congratulations were extended to Jeffreys Bay Rugby Club for qualifying for the Premier League, and to Kruisfontein Rugby Club for their continued success, including reaching the upcoming quarterfinals. The Executive Mayor expressed pride in all local rugby teams for their achievements.

On behalf of the Economic Freedom Fighters (EFF), Cllr Nkilishane expressed sincere condolences to the Thoko and Jonga families on the passing of their grandchild, who will be laid to rest on 1 November 2025.

Cllr Foley extended congratulations and a warm welcome to Cllr Hendricks on her appointment to Council, wishing her a prosperous and successful tenure. He also conveyed condolences to the families in Ward 2 affected by the recent fires and expressed appreciation for the community support provided to those impacted.

Cllr Zana extended condolences to families who have lost loved ones to cancer, noting the end of Cancer Awareness Month. He also mentioned the passing of a former Kouga employee from Ward 13. Further condolences were expressed to the family in Ward 9 following the drowning of 15-year-old in the Gamtoos River, with recovery efforts ongoing. On a congratulatory note, he commended Hankey Villagers Rugby Club on their recent success and encouraged improvements to their sports field to support their continued growth.

Cllr Oliphant congratulated Robbie Dennis on being selected as the African National Congress (ANC) candidate for Ward 2 and acknowledged former Councillor Murray for his decision to leave the Democratic Alliance (DA).

7. **STATEMENTS OR COMMUNICATIONS BY THE SPEAKER**

Honorable Mayor and Members of the Council, Officials, Online Guests, colleagues,

Good morning,

As we head towards the end of the year, I am delighted to see that spring has finally arrived.

October is an important month to raise awareness and celebrate those affected by cancer, as well as the courage and strength of cancer survivors. I really enjoyed the cancer walk we had on the 10th of October which was well supported.

I am deeply honoured to have received the official award for a Clean Audit Outcome for 2023–2024 (Good Governance) at the Local Government Indaba held in Midrand by the Department of Cooperative Governance and Traditional Affairs. This marks the first time that Kouga has received this prestigious recognition, and it truly felt surreal to stand alongside Western Cape municipalities that have achieved this milestone ten times or more. This means that we are moving in the right direction of excellence.

As I stood there, my thoughts were with the dedicated administration and team whose hard work and commitment made this achievement possible. A big thank you to each one of you for your commitment and efforts.
I look forward to a successful Council meeting.

8. STATEMENTS OR COMMUNICATIONS BY THE EXECUTIVE MAYOR

Honourable Speaker, it is both wonderful and a privilege to address the council this morning.

I begin with immense pride as we celebrate our recent achievements. Our municipality has received a clean audit and has been recognized as the best in the Eastern Cape. These are not just accolades they are a testament to the tireless dedication of our municipal staff and the collective commitment to improving the lives of our residents.

We must continue building on this momentum. Our focus remains firmly on key priorities that will shape a thriving and resilient municipality. We are committed to enhancing road infrastructure, strengthening safety and security, and improving electricity supply through innovative energy solutions. These efforts are essential to ensuring that our communities are well-connected, safe, and empowered.

Equally important is our work in upgrading wastewater treatment facilities and addressing water quantity concerns. As we face growing challenges related to water resources, we must act decisively to secure sustainable solutions. We also recognize the importance of customer care our residents must feel valued, heard, and safe in their interactions with the municipality.

Looking ahead, we reaffirm our commitment to engaging with our communities. Through the Integrated Development Plan (IDP), we will continue to incorporate public feedback into our planning processes, ensuring that our development is inclusive and responsive to the needs of our people.

Let us move forward with a clear vision: to not only excel regionally but to serve as a model for a flourishing South Africa. With collaboration, dedication, and a focus on community needs, I am confident that we will achieve even greater success.

Thank you.

9. DISCLOSURE OF INTEREST

10. STATUTORY MATTERS

11. MINUTES OF PREVIOUS MAYORAL COMMITTEE MEETING FOR INFORMATION

11.1 MINUTES OF A MAYORAL COMMITTEE MEETING HELD ON 11 JUNE 2025

Resolved (29 October 2025)

1. That the minutes of a Mayoral Committee meeting held on 11 June 2025 be noted.

12. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

12.1 MINUTES OF AN ORDINARY COUNCIL MEETING HELD ON 28 AUGUST 2025

Resolved (29 October 2025)

1. That the minutes of an Ordinary Council meeting held on 28 August 2025 be approved.

Proposed: Cllr W Gertenbach Seconded: Cllr W van der Linde

13. REPORTS OF COMMITTEES OF COUNCIL

13.1 REPORT BACK: SARAH BAARTMAN DISTRICT MUNICIPALITY REPRESENTATIVE

The Speaker informed Council the report was not available in time for the committee but is expected to be ready for presentation at the next Council meeting.

13.2 KOUGA AUDIT COMMITTEE

25/10/KAC1 MINUTES OF THE KOUGA AUDIT COMMITTEE

The Chairperson reported that the Audit Committee is operating with high efficiency and effectiveness. The Committee benefits from strong support provided by the Municipal administration, the Municipal Manager, and the Secretariat. It was noted that the minutes presented are an accurate reflection of the Committee's proceedings.

The Chairperson further acknowledged the valuable contribution of the Internal Audit unit, which enables the committee to fulfil its responsibilities in accordance with the Municipal Finance Management Act (MFMA) and its governing charter.

Resolved (29 October 2025)

1. That the minutes of the Kouga Audit Committee meetings held on 20 June 2025 and 27 August 2025, along with the Matters Arising Register be noted.

25/10/KAC2 KOUGA AUDIT COMMITTEE ASSESSMENT

Resolved (29 October 2025)

1. That Council notes the assessments carried out by the Audit Committee and the Municipal Manager for the 2024/2025 financial year.

13.3 RULES & ETHICS COMMITTEE

None

13.4 MUNICIPAL PUBLIC ACCOUNTS COMMITTEE

25/10/MPAC1 MINUTES OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE

Resolved (29 October 2025)

1. That Council notes the minutes of the Municipal Public Accounts Committee and that the recommendations contained therein have been submitted to Council for resolution.

25/10/MPAC2 AMENDMENT TO THE APPROVED TERM OF REFERENCE (TOR) FOR THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC)

Resolved (29 October 2025)

1. That the reviewed Terms of Reference for the Municipal Public Accounts Committee be approved.

2. That the commencement date of the Terms of Reference of the Municipal Accounts Committee shall be the date of the resolution by Council.

13.5 MUNICIPAL BY - LAWS AND POLICIES

25/10/PB1 WARD DEVELOPMENT FUND POLICY

Cllr Foley referred to page 124 of the policy document and identified a minor textual error. He requested that the administration amend the second line, noting that the phrase “deputy Accounting Officer” should be corrected to “deputy Municipal Manager” for accuracy.

Cllr Mbandana raised concerns regarding the allocation of the Ward Development Fund, noting a trend of item rejection when approvals are partial. He emphasized that the fund should be clearly designated for development purposes rather than infrastructure and requested that this distinction be corrected.

The Speaker invited the Cllr to write to the Office of the Speaker for further practical details regarding the implementation of the matter under discussion.

Resolved (29 October 2025)

1. That the amended Ward Development Fund Policy be approved by the Municipal Council for implementation from date of this Council meeting.

2. That the Ward Development Fund be uploaded onto the Municipal Website.

3. That the previously approved Ward Development Fund policy by the Municipal Council be repealed.

4. That the Ward Development Fund Policy be circulated to all Councillors.

14. REPORT BACK: MUNIMEC

The Executive Mayor explained that no report was available due to the absence of a recent meeting. The next meeting, convened by the Premier, is scheduled for 11–12 November, and a report will be submitted to Council in December following that engagement.

15. REPORTS BY THE OFFICE OF THE MUNICIPAL MANAGER

25/10/MM1 APPOINTMENT OF KOUGA AUDIT COMMITTEE MEMBER

Cllr Zana, speaking on behalf of the ANC Caucus, welcomed the appointment of Dr. Nyenyiso, expressing confidence that his extensive skill set, and experience would help address issues previously raised by the Auditor-General, particularly in relation to risk management within Kouga.

Cllr Zana also referred to page 132, recommendation 10.1, and requested that the wording be corrected to reflect the full title “Dr. Sizwe” rather than “Sizwe,” in recognition of his professional designation. The caucus expressed full support for the recommendation.

Resolved (29 October 2025)

1. That Council approves the appointment of Dr. Sizwe Nyenyiso as a member of the Kouga Audit Committee for a period of 2 years (ending 31 October 2027)

25/10/MM2 REQUEST FOR COUNCIL TO INVESTIGATE THE ALLEGED BREACH OF CODE OF CONDUCT – CLLR PETERSEN

Cllr Ntshota expressed concern regarding perceived inconsistencies in how Councillor conduct is recorded and addressed. She noted that while Councillor Peterson’s remarks are consistently documented, repeated instances of misconduct by Cllr Dhludhlu have not resulted in disciplinary action or been reflected in the minutes. She questioned whether this disparity was due to selective attention or oversight and emphasized the need for fair and consistent treatment of all Councillors.

The Executive Mayor emphasized the importance of clarity in the process for referring matters to the Rules and Ethics Committee. In response to concerns raised by Cllr Ntshota, the Mayor noted that if no complaint has been submitted regarding a Councillor, their conduct would not appear before Council. The Executive Mayor condemned the language used by ANC ,Cllr W. Petersen in the current meeting, describing it as vulgar and unacceptable, particularly in reference to Municipal staff.

It was confirmed that an official complaint had been lodged with the Speaker, which is why the matter was brought before Council. The Executive Mayor urged that the Rules and Ethics Committee address the issue with the utmost seriousness and reiterated that any party with concerns about Councillor conduct should follow the formal complaint process.

Cllr Mbandana echoed the sentiments of Cllr Ntshota regarding the application of constitutional principles, specifically Section 9 on equality. He expressed concern over the Executive Mayor's response to repeated allegations raised by Cllr Oliphant. Cllr Mbandana emphasized that the matter had been raised multiple times and should have received attention at Council level.

The Speaker requested that the discussion remain focused on the current item. She noted that the matter referenced by the Councillor pertains to previous meetings and reiterated that, as advised by the Executive Mayor, such concerns should be formally submitted to the Speaker's office for consideration.

Cllr Mbandana criticised the perceived unequal treatment of ANC Councillors, citing instances of being muted during Council proceedings. He called for fair and consistent application of Council rules and respect for all councillors' rights.

@11:03, the Speaker invoked Rule 31.3, reminding Councillors that when requested to remain silent, they are obliged to do so. She emphasised the importance of maintaining order and requested the opportunity to speak without interruption, assuring that speaking time would be returned thereafter. The Speaker reiterated the need to focus on the current item and advised that any issues concerning Councillors should be formally submitted to the Speaker's office.

Cllr Mbandana asserted that the charges brought forward were unfounded and made in bad faith, stemming from frustration experienced during Council proceedings, emphasizing that these rights were compromised when a councillor was repeatedly muted while attempting to speak. He reaffirmed support for the councillor in question and the substance of his contributions.

Cllr Nkilishane opposed the referral of allegations against ANC, Cllr W. Petersen. He expressed concern over the muting procedures during the meeting and stated that the EFF did not support the item.

The Speaker called for a vote for as follows:

In favour : 14
Not in favour: 10
Abstain: 1

Resolved (29 October 2025)

1. That Council approves the referral to the Rules and Ethics Committee to investigate and recommend an appropriate

finding and sanction on the alleged breach of the Code of Conduct as well as the alleged contraventions of the Standing Rules and Order for the meetings of Council and all its Committees for Councillors by Councillor Petersen.

2. That the Rules and Ethics Committee submit its recommendations following its sitting, to Council.

16. **REPORTS BY THE OFFICE OF THE DEPUTY MUNICIPAL MANAGER**

25/10/DMM1 REPLACEMENT OF DEMOCRATIC ALLIANCE COUNCILLOR ON THE COMMITTEES OF COUNCIL

Cllr Foley referred to page 141 and emphasized the importance of establishing well-structured and efficient committee systems. He proposed that the Municipal Bylaw and Policy Committee include three alternate members, consistent with the practice in Section 80 committees. He recommended that the names of the proposed alternate members comprising of two Councillors from the Democratic Alliance (DA) and one Councillor from the African National Congress (ANC) be submitted to the Office of the Speaker within seven (7) days for consideration and formal inclusion in the committee's alternate membership structure.

The Executive Mayor seconded the proposed recommendation.

Resolved (29 October 2025)

1. That Council resolve that Cllr A Hendricks replace Mr B Williams on the Section 79 committee as follows:

Municipal By-laws and Policy Committee:

Committee Members
Chairperson : Cllr F Heystek
Cllr A Hendricks
All D Benson
Cllr R Foley
Vacant, previously Cllr H Murray
Cllr G Stuurman
Cllr T Mbuqu
Cllr K Ndzelani
Cllr C Pietersen
Cllr W van der Linde
Cllr L Nkilishane

2. That Council resolve that Cllr A Hendricks replace Mr B Williams on the composition of members for the Section 80 committees as follows:

Civil & Water Services Portfolio Committee:

Committee Members	Alternate members:
Chairperson: Cllr R Foley	Cllr A Hendricks
Cllr C August	Cllr M Nicholls
Cllr S Ruth	Cllr M Mbandana
Cllr W Gertenbach	
Cllr J Alexander	
Cllr V Zana	
Cllr P Oliphant	
Cllr C Pietersen	
Cllr W van der Linde	
Cllr L Nkilishane	

Electro-Mechanical Services Portfolio Committee:

Committee Members	Alternate members:
Chairperson: J Alexander	Cllr B Dhludhlu
Cllr S Ruth	Vacant, previously Cllr H Murray
Cllr A Hendricks	Cllr N Ntshota
Cllr W Gertenbach	
Cllr M Nicholls	
Cllr M Valgee	
Cllr M Mbandana	
Cllr C Pietersen	
Cllr W van der Linde	
Cllr L Nkilishane	

Finance & Economic Development Portfolio Committee:

Committee Members	Alternate members:
Chairperson: Cllr S Ruth	Vacant, previously Cllr H Murray
Cllr A Hendricks	Cllr R Foley
Cllr B Dhludhlu	Cllr M Yali
Cllr F Heystek	
Cllr W Gertenbach	
Cllr P Oliphant	
Cllr W Petersen	
Cllr C Pietersen	
Cllr W van der Linde	
Cllr L Nkilishane	

3. That three alternates be added to the composition of the Municipal By-law and Policy Committee.

4. That the names of the proposed alternate members comprising of two Councillors from the Democratic Alliance (DA) and one councillor from the African National Congress (ANC) be submitted to the Office of the Speaker within seven (7) days for

consideration and formal inclusion in the Committee's alternate membership structure.

Proposed: Cllr R Foley Seconded: Cllr H Borman

25/10/DMM2 **<u>REPORT ON LIQUOR LICENSE APPLICATIONS RECEIVED FOR THE PERIOD BETWEEN JULY 2025 AND SEPTEMBER 2025</u>**

Cllr Gertenbach requested clarity on whether liquor licence applicants must resubmit building plans to the Municipality or submit them directly to the liquor board. He raised concern over delays caused by outdated or unavailable plans in the Town Planning Department and emphasised the urgency of resolving the issue ahead of the festive season to support affected businesses.

Cllr Zana raised concerns about inconsistent committee outcomes, particularly when most departments support an application, but Building Control does not. He questioned the feasibility of public participation for remote establishments and asked whether the Liquor Board provides feedback on approved applications. He also highlighted the issue of businesses operating without approved building plans and sought guidance on how the municipality should address such cases.

The Deputy Municipal Manager clarified that the Municipality submits its comments and committee outcomes on liquor licence applications to both the Eastern Cape Liquor Board and the applicants. He noted that many applicants respond positively by addressing issues such as updating building plans or installing fire safety measures.

Regarding public participation, he confirmed that while it is a regulatory requirement, the Liquor Board ultimately exercises discretion in approving applications. He acknowledged that the municipality does not consistently receive feedback from the Liquor Board on final approvals, though occasional lists of approved establishments are shared. As a result, the Municipality must independently verify whether businesses are operating with valid licences. He emphasised the Municipality's commitment to supporting economic development while ensuring compliance and encouraged applicants to promptly address any identified shortcomings.

Resolved (29 October 2025)

1. That Council notes the report on the liquor license applications received.

17. **<u>MATTERS DEALT WITH IN TERMS OF DELEGATED AUTHORITY BY THE EXECUTIVE MAYOR</u>**

(The reports by the Executive Mayor, in terms of the provisions of Section 63 of the Local Government Municipal Systems Act, 32 of 2000, on matters dealt with by the Executive Mayor in terms of delegated authority as detailed in the Minutes to be noted).

18. **REPORTS BY THE PORTFOLIO COMMITTEE CHAIRPERSONS**

18.1 **REPORTS BY THE CHAIRPERSON: FINANCE & ECONOMIC DEVELOPMENT**

25/10/FED1 **ECONOMIC DEVELOPMENT AND TOURISM KEY MEMBERSHIPS, SUBSCRIPTIONS, AND ASSOCIATIONS FOR 2025/2026 FINANCIAL YEAR**

Cllr Zana stated that the ANC does not support the item.

Cllr Mbandana stated that he does not support the item.

The Speaker called for a vote for as follows:

In favour : 15
Not in favour : 10
Abstain: 1

Resolved (29 October 2025)

1. That the Council approves that Economic Development and Tourism collaborate and form part of selected key tourism, events and heritage memberships, associations and digital research and data sourcing organisations.

25/10/FED2 **CLOSE-OUT REPORT: TEATER BY DIE SEE: 21 – 23 MARCH 2025 AND SPONSORSHIP REQUEST FOR 2026: 20-21 MARCH 2026**

Resolved (29 October 2025)

1. That Council notes the 2025 Teater by die See/Theatre by the Sea Close-out Report.

2. That Council approves the funding of R 200,000-00 (Two hundred thousand rand only) all-inclusive for 2025/2026 FY only.

3. That Council authorizes the Accounting Officer to conclude a Funding Agreement / SLA with Kouga Local Tourism Organization in respect of funding stated in (2) above.

25/10/FED3 **JBAY SUMMER FESTIVAL DECEMBER 2025 SPONSORSHIP**

The Executive Mayor highlighted that the Municipality ranks as the second most visited destination in the country during the December holiday season, following Mossel Bay, which includes Grootbrak. He emphasized the significant economic impact of holiday tourism on local businesses and underscored the importance of ensuring that December events are well-organized and professionally managed to attract and retain visitors to the area.

Cllr Zana expressed support for the item in principle but proposed renaming the "Jeffreys Bay Summer Festival" to the "Kouga Summer Festival" to ensure inclusivity across all towns within the Municipality. He noted that while Jeffreys Bay plays a key role in attracting tourists, successful events such as the Kouga Mayoral Summer Festival demonstrate the broader appeal of the region.

The Executive Mayor acknowledged concerns regarding the naming of the "JBay Summer Festival" and expressed support for inclusivity across the Kouga Municipality. He referenced a study on place brand recognition, noting that Jeffreys Bay ranks among the top four most recognized destinations in South Africa, which contributes significantly to local tourism.

While affirming the importance of linking Jeffreys Bay visitors to other areas such as Gamtoos Valley, Baviaanskloof, and St. Francis Bay, he clarified that the current funding request pertains specifically to events organized by JBay Tourism. He agreed with Cllr Zana on the need to promote the entire municipality during the summer season but emphasized that this item is focused on Jeffreys Bay's activities for the upcoming holiday period.

Cllr Mbandana supported the inclusive intent behind Cllr Zana's proposal and emphasised that tourism initiatives should benefit all towns within Kouga. He advocated for a holistic approach to festival planning that highlights the region's diverse attractions and ensures equitable economic opportunities across the Municipality.

The CFO supported the Executive Mayor's comments and emphasized the need for consistency in branding and marketing. He explained that although the council-approved item referred to the "Kouga Festival," the name "J Bay Festival" was adopted to align with Jeffreys Bay's strong national brand recognition as a top tourist destination. He clarified that the intention is to market Jeffreys Bay while also promoting surrounding areas within Kouga. He stressed that Kouga is not a singular brand, and that each town should maintain its own identity in tourism marketing.

Cllr Zana respectfully disagreed with the CFO's view that Kouga is not a brand, asserting that Kouga does hold brand value, even if not yet widely recognized as a town. He agreed that each town should have its own identity but noted that little has been done to promote this. He requested clarity on whether Jeffreys Bay is ranked as the second most visited tourist destination in South Africa overall, or only among small towns, and expressed difficulty interpreting the supporting documentation written in Afrikaans.

The CFO confirmed that Jeffreys Bay ranks as the second most visited destination among small towns in South Africa during the December holiday season, based on an article presented a few months ago.

Resolved (29 October 2025)

1. That Council approves funding allocation to Jeffreys Bay tourism to host the JBay Summer Festival for the 2025/2026 FY: R850,000.00 (eight hundred and fifty thousand rand), VAT-inclusive.

2. That Council authorizes the Accounting Officer to conclude a Funding Agreement with Jeffreys Bay Tourism in accordance with the funding allocated in recommendation 1 above.

3. That a Close-Out Report for the Jbay Summer Festival be submitted to Council.

25/10/FED4 **SUPPLY CHAIN MANAGEMENT: CONSOLIDATED S36 DEVIATIONS FOR THE MONTHS: AUGUST -SEPTEMBER 2025**

Cllr Zana requested clarity on the approved deviation related to the Kwanomzamo Wastewater Treatment Works (WWTW) upgrade noted on page 204, referencing the appointment of Zutari (Pty) Ltd as the service provider. He also sought clarification on a deviation mentioned on page 202, which may be linked to a legal matter involving a SAMWU investigation and an individual named Petersen.

Cllr Van der Linde questioned the need for deviations on routine services such as air conditioning maintenance and water testing, suggesting these should be planned and tendered. He expressed concern over a deviation related to the Kwanomzamo project, previously reported as complete, and requested more details on a R92,000 deviation for recruitment services. He stated that the Freedom Front Plus (FF Plus) does not support approval of these deviations.

The CFO explained that certain deviations were necessary due to specific contractual or legal constraints. For the Bambelela Property Development, the lease restricts maintenance to the lessor, requiring deviation for aircon servicing. Calibration of water testing equipment must be done by the original supplier during the warranty period. Legal deviations, such as for Billett and Gouws, are linked to ongoing legal processes and expenses are recorded as incurred. Recruitment deviations are due to the impracticality of using standard tenders for headhunting specialised candidates. Lastly, consultant reinstatement deviations were needed to legally ratify additional work resulting from changes in contractor scope.

The Director: Planning and Development referenced the JG Africa deviation order on page 206, explaining that it was necessitated due to delays caused by the contractor. Although penalties were imposed on the contractor, the extended timeline resulted in increased costs for the professional service provider. These additional costs were accommodated through a deviation order, which follows a previous deviation related to their appointment.

Cllr Van der Linde questioned the necessity of using a different contractor for air conditioning services at the Bambelela Property Development due to lease agreement restrictions. He suggested renegotiating the lease terms to avoid additional costs associated with deviations. He also raised concerns about outsourcing recruitment services for R92,000, asking why the Municipality's Human Resources (HR) department could not handle the headhunting process internally.

The Deputy Municipal Manager explained that the recruitment deviation aligns with staff appointment regulations, specifically Section 7, Section 18, Subsection 9, which allows alternative recruitment methods for critical and scarce skills posts when standard processes fail to attract suitable candidates. The advertised mechanical engineering post received no qualified applicants, prompting the use of a recruitment agency with the necessary tools and networks to headhunt appropriately. He noted the broader challenge of a national brain drain affecting qualified engineers, particularly in the Eastern Cape.

Regarding the Bambelela lease agreement, he confirmed that negotiations were attempted with the lessor to allow use of the municipality's existing air conditioning service provider. However, the lease terms were finalised with restrictions, though the Municipality will revisit the matter as suggested.

Cllr Van der Linde stated that he is not in support of the item.

The Speaker called for a vote for as follows:

In favour : 15
Not in favour : 11
Abstain: 0

Resolved (29 October 2025)

1. That the Consolidated Deviation report for the months of August 2025 and September 2025 be approved by Council.

25/10/FED5 **BUDGET AND TREASURY: WITHDRAWALS FROM MUNICIPAL BANK ACCOUNT FOR THE QUARTER ENDED 30 SEPTEMBER 2025**

Resolved (29 October 2025)

1. That the Council notes the withdrawals that were made in terms of section 11(1) (b) to (j) of the MFMA for the quarter ended 30 September 2025; and

2. That the Council notes the submission of the report to the Provincial treasury and Auditor-General as stipulated in section 11(4) (b) of the MFMA.

25/10/FED6 **MONTHLY BUDGET STATEMENTS FOR THE PERIOD JULY TO SEPTEMBER 2025 AND FINANCIAL STATE OF AFFAIRS OF THE MUNICIPALITY AS AT 30 SEPTEMBER 2025 (2025/26 FINANCIAL YEAR)**

Cllr Van der Linde raised concerns about the municipality's financial health. He noted a possible shortfall in operating funds when factoring in outstanding debtors and creditors. He also highlighted a reported R15 million cash shortage and a low debtors collection rate, suggesting the financial situation may be worse than expected.

Cllr Mbandana raised concerns about the municipality's debt position, noting the absence of a detailed breakdown. He referenced the R62 million flagged earlier and questioned how Metro debt is reflected within the current debt profile. He further asked whether the municipality is financially liquid and, if so, requested clarity on the basis for that assessment.

Cllr Gertenbach noted that the Municipality is close to meeting its 25% target for expenditure and income. He welcomed the decrease in consumer debt and clarified that advance payments explain the collection rate. However, he expressed concern about water income, which is only at 18% instead of the expected 25% and requested clarification.

The CFO clarified that the reported R56 million operating surplus is based on revenue exceeding expenditure, with revenue at 28% and expenditure below 25% for the first quarter. He explained that the apparent R15.9 million deficit on page 218 reflects committed funds and non-cash items like depreciation and debt repayment, which do not impact liquidity directly. After adjusting for commitments, the actual shortfall is under R2 million, attributed to timing differences.

He confirmed that the Municipality is financially liquid and in a stable position. Regarding the debtor's collection rate, it stood at 80.85% in September, up from 72.85% the previous year, and is projected to exceed the 95% target by June 2026. On water income, he acknowledged the current 18% level is below target but noted that overall revenue is at 28.2%, with some categories overperforming. Adjustments will be made during the mid-year budget review.

Resolved (29 October 2025)

1. That the Executive Mayor notes Municipal Manager's report on the monthly budget statements, in accordance with Section 71(1) of the Municipal Finance Management Act.

2. That the Executive mayor notes the submission of the monthly budget statements report to provincial treasury as stipulated in section 71(1) of the MFMA.

3. That the Executive Mayor's report on the implementation of the budget and the financial state of affairs of the municipality, in accordance with Section 52(d) of the MFMA be noted.

25/10/FED7 **SUPPLY CHAIN MANAGEMENT: QUARTERLY IMPLEMENTATION REPORT FOR THE FIRST TERM OF THE 2025-2026 FINANCIAL YEAR ENDING 30 SEPTEMBER 2025**

Cllr van der Linde stated that the report is merely a formality, as the actions have already taken place. He confirmed that the Freedom Front Plus notes the report but does not support it.

The Speaker called for a vote for as follows:

In favour : 15
Not in favour: 11

Abstain: 0

Resolved (29 October 2025)

1. That Council approves this report as per the reporting requirements for the first quarter of the of the 2025/2026 Financial year starting 01 July 2025 and ending 30 September 2025.

18.2 REPORTS BY THE CHAIRPERSON: PLANNING & DEVELOPMENT SERVICES

25/10/PD1 REQUEST FOR COUNCIL'S IN-PRINCIPLE APPROVAL FOR THE ALIENATION (LEASE) OF A PORTION OF PORTION 4 OF FARM 346, HUMANSDORP RD

At 12:28, Cllr Gunuza joined the meeting.

Cllr Ndzelani raised a concern regarding the lease of land in the industrial area to Woodlands Dairy. He questioned why the entity repeatedly receives leased land while many local farmers are still struggling to access land. He emphasized the need for clarity on this matter and expressed concern that local farmers are being sidelined and pushed further away from available land opportunities.

Cllr van der Linde stated that he does not oppose the item but requested clarity on who determines the lease value of Municipal properties, citing examples of R5,000 and R150 per month. He further suggested that once a lease contract is signed, it should be referred back to the Portfolio Committee for oversight to ensure it aligns with what was approved in Council.

The Director: Planning and Development explained that land for farmers is limited, but the municipality is working on a strategy to address this, especially in the Humansdorp area. The property in question is zoned for industrial use and supports renewable energy, aligning with municipal plans. The applicant is a major employer, and the expansion benefits the Municipality.

Regarding lease valuations, he confirmed that independent valuers are appointed as required by law. The valuation process will follow public participation and be submitted to Council. He also supported the suggestion to include signed lease agreements in quarterly portfolio reports for oversight.

Resolved (29 October 2025)

1. That Council grant **in-principle approval** for the alienation (lease) of a portion, in the extent of 7 hectare of Portion 4 of Farm 346, Humansdorp RD in line with all applicable legislation.

2. That Council authorises the Accounting Officer to advertise the application for public participation.

3. That in terms of Section 14 and 90 of the MFMA and departmental inputs, Council hereby confirms that the land is not

needed to provide the minimum level of basic municipal services.

4. That Council authorises the Accounting Officer to obtain the market related rental for the property.

25/10/PD2 **<u>REQUEST FOR COUNCIL'S FINAL APPROVAL FOR ALIENATION (LEASE) OF A PORTION OF PORTION 125 OF FARM 335, HUMANSDORP RD (OCEANVIEW)</u>**

Cllr Nkilishane expressed concern that using social media for public participation excludes many people, especially within the black community. He questioned how many people saw the advertisement and how many participated. He emphasized that public participation should be done through physical meetings and criticized the government for not listening to this concern since 2022.

Cllr Zana expressed support for the proposed initiative involving the Non-Profit Organization (NPO) and its impact centre, noting that such developments are welcomed and needed within communities. He inquired whether a specific timeframe has been established for the finalisation of the process, given the number of recommendations listed. He also echoed concerns raised by a fellow councillor regarding the inclusivity of the public participation process, emphasising the importance of ensuring that affected communities were adequately consulted.

The Director: Planning and Development addressed concerns regarding public participation, confirming that notices were published in the Kouga Express, as per established practice. However, he acknowledged the limitations of this approach and agreed that additional measures such as placing notices directly on the property under consideration should be explored to improve accessibility, particularly in underserved communities.

Resolved (29 October 2025)

1. That Council **<u>grant final approval</u>** to lease of a portion of portion 125 of Farm 335, Humansdorp RD (Oceanview) for 9 years and 11 months to Impact Centre (275-968 NPO), in the extent of 5000 m²

2. That in terms of Section 14 (2) and 90 of the MFMA it is confirmed, on reasonable grounds, that the asset is not needed to provide the minimum level of basic municipal services.

3. That all required and applicable town planning activities and all other administrative processes be finalized in respect of the intended use of the premises, and that all related costs will be for the account of the applicants herein.

4. That Council considers the market-related rental valuation of R150.00 in line with the provisions of the approved Asset and Disposal Policy of Council for Social Care uses.

5. That the property be used for the purpose applied for, and for no other purpose whatsoever, unless prior written consent has been obtained from the Lessor.

6. That the lease be cancelled if the purpose for which the applicant applied for has not commenced within 12 months from the date of signed lease agreement.

7. That an annual escalation be included in the lease agreements.

8. That Council authorizes the Accounting Officer to enter into a long-term lease agreement of 9 years and 11 months with Impact Centre in respect of the agreed portion of the property described herein.

25/10/PD3 REQUEST FOR COUNCIL'S AUTHORISATION FOR IN-PRINCIPLE APPROVAL TO ALIENATE (LEASE) OF COUNCIL PROPERTIES IN KRUISFONTEIN FOR BUSINESS PURPOSES

1. That Council **grant approval** to rezone erf 6132 from Residential Zone 1 to Business Zone 1.

2. That Council **grant in-principle approval** to alienate (lease) the below municipal properties by calling for proposals for the lease at market related value:
   - Erf 5679, Kruisfontein
   - Erf 6067, Kruisfontein
   - Erf 6132, Kruisfontein

3. That Council authorizes the Accounting Officer to obtain the market-related valuation in line with Section 14(2) of the Municipal Finance Management Act for the proposed alienation.

4. That Council authorises the Accounting Officer to advertise the application for public participation.

5. That Council authorises the Accounting Officer to obtain the market related rental for the property and that a service provider be appointed to finalize planning activities relating to the rezoning.

18.3 **REPORTS BY THE CHAIRPERSON: CIVIL & WATER SERVICES**

25/10/CWS1 PROGRESS REPORT ON DOHS FUNDED PROJECTS AS AT 14 AUGUST 2025

Speaking on behalf of the ANC component, Cllr Ntshota expressed appreciation for the funding provided by the Department of Human Settlements towards the Kouga initiative. She commended the investment, noting that it is positively impacting communities by improving housing conditions for individuals living in squalor.

The Executive Mayor expressed deep appreciation for the R68 million and R83 million funding received from the Department of Human

Settlements, intended for upgrading informal settlements and bulk infrastructure projects. He emphasized the importance of these funds in improving the quality of life for residents and noted that the signed Service Level Agreement (SLA) reflects the department's trust in the municipality.

However, he raised serious concerns about the department's decision to stagger the remaining R140 million allocations over four to five years, despite prior commitments. He stressed that bulk infrastructure requires substantial upfront investment and that the delay has forced the municipality to halt ongoing projects, leaving contractors unpaid and communities underserved.

The Executive Mayor urged Council members, particularly the ANC caucus, to support the Municipality's petition to the provincial government for the immediate release of the committed funds. He emphasised that this issue transcends politics and directly affects the lives of the Municipality's most vulnerable residents.

Cllr Zana acknowledged the importance of the provincial funding allocated to Kouga Municipality and expressed appreciation for the financial support. He referenced the upcoming Munimec session scheduled for 11–12 November 2025, where the Executive Mayor is expected to engage directly with the Premier. He suggested that this platform be used to raise concerns regarding the reduction in funding for informal settlement upgrades.

Cllr Zana also noted the absence of documented reasons for the funding cuts in the attachments provided and emphasised the need for transparency. He cited the Phillipsville Sports Field project as an example where clear justification should accompany any delays or reallocations.

He further highlighted the strategic significance of projects such as the Western Water Treatment Works and the Hankey 990 initiative, stressing the urgency of their implementation. He concluded by expressing hope that the November 2025 meeting would provide clarity and that Council would receive a formal report or resolution in December 2025.

Cllr Mbandana raised concerns about the uneven distribution of development funding within the Municipality. He noted that while substantial funds are allocated to Kouga, they appear to be directed primarily toward DA-led constituencies, such as Donkerhoek, while areas like Ramaphosa have seen no development since 1997. He urged the DA-led government to reflect on these disparities and emphasized the need to address skewed development patterns that neglect historically underserved communities.

At 12:53 , the Executive Mayor raised a point of order in terms of Rule 32, objecting to remarks made by Cllr Mbandana, which he described as misleading and politically charged. He clarified that the current council allocates funding based on community needs rather than political affiliation and reaffirmed that the funding in question was designated for underserved areas. The Executive Mayor urged all councillors to refrain from politicising service delivery and called for unity in advocating for the residents of Kouga.

Cllr Ndzelani requested clarity on the progress of the informal settlement upgrading project, noting that the contractor was appointed with a commencement date of 19 May 2025 and a 12-month completion timeline. He expressed concern over delays and questioned how long affected residents would have to wait for relocation and improved living conditions.

Resolved (29 October 2025)

1. That the Progress Report on DoHS Funded Projects as at 14 August 2025, be noted.

25/10/CWS2 <u>APPROVAL FOR THE REGISTERING OF NEW PROJECTS ON MIG</u>

At 13:12 ANC, Cllr W. Petersen joined the meeting.

Cllr Mbandana expressed longstanding concerns regarding the allocation of Municipal Infrastructure Grant (MIG) funding, noting that since 2019, the budget has consistently reflected similar patterns, often benefiting the same areas. He cited historical examples, including a 2008–2009 street paving project, and pointed out that many streets in communities such as Hankey, Centerton, and KwaNomzamo remain in poor condition.

He emphasised the need for the ANC to support the district development model and called for a more equitable and targeted approach to infrastructure investment.

Cllr Mbandana questioned whether the current leadership fully understands the lived realities of poverty, highlighting that many residents still walk on muddy roads and lack basic services. He urged the Municipality to conduct a detailed review of underdeveloped areas such as Centerton, Weston, and Loerie West, and called for urgent intervention to address persistent service delivery gaps.

At 13:01, Cllr Foley raised a point of order under Rule 32, citing relevance. He clarified that the item concerns the registration of two new MIG projects, not a progress report on existing MIG initiatives. He noted that current MIG expenditure includes gravel road upgrades in areas such as Humansdorp, Sea Vista, Gamtoos Valley, and Jeffreys Bay.

Cllr Mbandana called for a more detailed and long-term infrastructure plan, suggesting a comprehensive report that projects street upgrades over a 10-year period. He emphasised the need for a clear financial commitment, proposing that if R100 million is required, it should be allocated accordingly. He expressed concern that current reports are too brief and lack the depth needed for strategic planning.

At 13:02, the Executive Mayor raised a point of order under Rule 32, citing relevance. He clarified that the agenda item pertains specifically to the Ocean View collector sewer system and the Johnson's Ridge waterborne sewer system in Kruisfontein. He objected to Cllr Mbandana's comments regarding road infrastructure, stating that such matters fall outside the scope of the current item. The Executive Mayor emphasised the importance of maintaining focus on the agenda and urged Councillors to address only the issues under discussion.

Cllr Mbandana questioned the prioritisation of sewer projects, highlighting ongoing issues in areas such as Patensie, Thornhill, and KwaNomzamo. He referenced a R42 million allocation from the Minister and asked why only two areas were selected for upgrades. He called for a holistic planning approach and urged that long-standing infrastructure challenges, dating back to 2014, be properly acknowledged and addressed.

Cllr Zana questioned how the Kouga Project Steering Committee selects and prioritises MIG-funded projects. He emphasised the need for transparency and alignment with community priorities raised during the IDP process. He expressed concern over disparities in funding across wards and called for clarity on the committee's composition and decision-making criteria.

The Executive Mayor clarified that Council has approved a dedicated MIG Funding Committee responsible for identifying and prioritizing projects, with a focus on serving the poorest communities. He emphasized that MIG allocations are guided by documented needs and community feedback gathered through IDP engagements and ward committee inputs.

He acknowledged the valid concerns raised by Cllrs Mbandana and Zana regarding various sewer projects, noting that some, like Loerie's sanitation, are funded internally. He also explained that the Correctional Services sewer infrastructure falls under the Department of Public Works and requires major upgrades before it can be transferred to the Municipality. The Executive Mayor assured that project decisions are not arbitrary but based on formal processes and verified documentation.

The Acting Director: Civil and Water Services outlined the composition of the MIG Steering Committee, which includes representatives from Civil and Water Services, Electro-Mechanical Services, Community Services, Finance, Assets, and Investments, the IDP Office, and the Project Management Unit (PMU). He explained that while several projects were identified during the committee meeting, only two were registered, Ocean View Collector Sewer and Johnson's Ridge Sewer—due to their readiness and alignment with IDP priorities.

Ocean View Collector Sewer had previously been registered at the design stage and now qualifies for construction following environmental approvals. Johnson's Ridge was internally designed and deemed implementation ready. Other projects, such as Loerie and Umzamowethu Wastewater Works, are still undergoing planning and environmental studies, which may take up to a year before registration for construction.

He clarified that MIG projects cannot be registered for construction without completed Environmental Impact Assessments (EIAs). Regarding the Correctional Services sewer project in Patensie, he noted that although the infrastructure belongs to the Department of Public Works, Kouga Municipality undertook significant upgrades around 2020–2021 using MIG funding, estimated at approximately R15 million.

Cllr Mbandana responded to the director's input regarding the Patensie Correctional Services sewer project, stating that official minutes exist documenting its handover to Kouga Municipality by the Minister. He urged the municipality to consult with the Department of Public Works in Gqeberha and review the relevant documentation. He committed to researching the matter further and submitting the findings to the Speaker Office for clarification.

Resolved (29 October 2025)

1. That Council approve the registration of the following listed projects on the Municipal Infrastructure Grant Programme:

    - Oceanview Collector Sewer Construction Stage (Project Registration value R7,041,602.20);

    - Johnsons Ridge Waterborne Sewer Reticulation – Construction Stage (Project Registration value: R9,399,642.37).

18.4 **REPORTS BY THE CHAIRPERSON: ELECTRO-MECHANICAL SERVICES**

25/10/EMS1 REQUEST FOR COUNCIL'S APPROVAL FOR THE APPOINTMENT OF MR. NDUMISO NONGCUALA GMR 2(1) AND MR. BONGA MPONGWANA AS GMR 2(7) RESPONSIBLE PERSONS

Cllr Mbandana welcomed Mr. Nongcuala and noted a correction to the spelling of his surname in the official documentation. He emphasised that the department Mr. Nongcuala will lead is a key income-generating unit and should not be viewed as underperforming. He urged Mr. Nongcuala to take the role seriously and deliver results, stating that strong performance is expected.

Resolved (29 October 2025)

1. That Council approve the appointment of Mr. N Nongcuala as GMR 2(1).

2. That Council approve the appointment of Mr. B Mpongwana as a substitute in terms of GMR 2(7) in the absence of Mr. N Nongcuala.

25/10/EMS2 **REPORT: FATAL ELECTROCUTION INCIDENT ON MUNICIPAL ELECTRICAL INFRASTRUCTURE – ST FRANCIS BAY**

Resolved (29 October 2025)

1. That Council take note of the incident involving the fatal electrocution of a member of the public, which occurred as a direct result of unauthorised and unlawful interference with high-voltage Municipal electrical infrastructure.
2. It is recommended that Councillors be encouraged to report any incidents of unauthorised interference with Municipal infrastructure to the relevant Municipal department or to the South African Police Service (SAPS), in order to safeguard the integrity of the institution and protect municipal assets from unlawful tampering or damage.

25/10/EMS3 **KOUGA ELECTRICITY DEMAND SIDE MANAGEMENT PROGRAM IN ALIGNMENT WITH ESKOM DISTRIBUTION DEMAND MANAGEMENT PROGRAM.**

Cllr van der Linde, speaking on behalf of the FF Plus, expressed full support for the item and emphasised the need to explore all possible measures to reduce Eskom-related costs for the benefit of consumers.

He noted an upcoming meeting on 2 December 2025 with Discovery Green, a company that may assist Kouga Municipality in significantly lowering its Eskom bill. He looks forward to the company presenting its proposal to the Executive Mayor, relevant directors, the CFO, and the Municipal Manager, with the aim of potentially bringing the matter before Council to secure financial savings for residents.

Resolved (29 October 2025)

1. That Council support the submission of an application to Eskom for the Distribution Demand Management Program.
2. That Council support all related initiatives to capitalize on in terms of renewable energy and own generation that is in line with the national energy plan and within the framework of the applicable legislative provisions.

19. **QUESTIONS SUBMITTED IN TERMS OF RULE 39 OF THE STANDING RULES & ORDERS**

25/10/MM3 **QUESTION POSED BY COUNCILLOR L NKILISHANE IN TERMS OF RULE 39 OF THE STANDING RULES AND ORDERS FOR MEETINGS OF COUNCIL AND ALL ITS COMMITTEES**

Cllr Nkilishane requested clarity on why the law firm C.W. Malan withdrew from the case against Mr. F van Rooyen, noting that the firm had previously committed to pursuing the matter to its conclusion under Municipal instruction. He questioned whether the withdrawal signals the end of the case and raised concerns about potential waste of ratepayer funds. He also asked for a breakdown of the costs incurred so far. Additionally, he criticized individuals who made public comments on social media regarding the case, suggesting they should bear financial responsibility if the Municipality loses.

The Deputy Municipal Manager addressed concerns about legal costs, stating that it is inaccurate to label the Municipality's legal defence as wasteful. He explained that the original claim of R7 million has already been reduced to R3 million due to the Municipality's opposition, reflecting a R4 million saving.

He further clarified that C.W. Malan Attorneys were not included in the newly appointed panel of legal service providers and, as such, were within their rights to withdraw from the case without providing specific reasons. The firm has since handed over the full case file to the newly appointed legal representatives, ensuring continuity without duplication or additional costs.

Cllr Mbandana questioned whether the Municipality is learning from lost high-profile legal cases. He raised concerns about past legal expenditures, including the use of senior counsel in cases with little chance of success, and asked what lessons have been learned from the Mr. F van Rooyen matter.

Cllr Van der Linde raised concern about the discussion of a matter he believes is still sub judice, referencing confidential minutes (page 20) that indicate the case is ongoing. He questioned why the issue is being addressed in an open agenda rather than in a confidential session, given its legal status.

ANC, Cllr W. Petersen clarified that the discussion does not concern the merits of the case, but rather the issue of fruitless and wasteful expenditure related to legal costs. He addressed Cllr van der Linde's concern, emphasising that the focus is on financial accountability. He then questioned the Deputy Municipal Manager, about the litigation mandate, expressing concern that it appears to be misused or abused by his office, potentially undermining proper governance.

At 13:32, the Speaker raised a point of order in terms of Rule 32 Relevance.

ANC, Cllr W. Petersen reiterated his position that the Municipality is incurring fruitless and wasteful expenditure by funding litigation unrelated to Council interests. He responded to Deputy Municipal Manager assertion that the spending was justified.

The Deputy Municipal Manager stated that he could not comment on allegations of wasteful expenditure, as there is no evidence to support such claims. He also declined to respond to Cllr W. Petersen's remarks, noting that his appointment is still being disputed by the Councillor. He concluded by saying that all relevant points have been addressed and he had no further comments on the matter.

Cllr Nkilishane sought clarity on the reasons behind the reduction of Mr. Van Rooyen's claim from R7 million to R3 million. He questioned whether the Municipality understands the basis for this significant decrease and requested further explanation on the matter.

The Deputy Municipal Manager explained that the matter was raised under Rule 39, which limits discussion to procedural aspects and excludes the merits of the case. He stated that the question posed by Cllr Nkilishane pertains to the merits and is therefore subjective. As a result, he declined to provide an answer on that specific point.

Cllr Zana referred to page 376 of the documentation and expressed concern that the response provided did not clarify the status of the process regarding Erf 722 in Ocean View. He requested an update on how far the matter has progressed.

The Deputy Municipal Manager stated that the matter concerning Erf 722 in Ocean View is still sub judice and therefore the merits cannot be discussed. He noted that the Municipality has already provided all the information it can at this stage and cannot comment further while the legal process is ongoing.

Resolved (29 October 2025)

1. That Council notes the question posed by Councillor Nkilishane and written response in respect of the questions raised.
2. That the question and response must reflect in the minutes of the meeting as per Rule 39.3 of the Standing Rules and Orders for meetings of Council and all its Committees.

<u>MOTION OF EXIGENCY</u>

<u>URGENT INVESTIGATION BE INITIATED INTO THE ALLEGATIONS OF ELECTRICITY METER TAMPERING INVOLVING A COUNCILLOR</u>

Cllr Zana submitted a Motion of Exigency in terms of Rule 30.1, citing the Speaker's failure to respond to serious allegations of electricity meter tampering involving a Councillor. The motion calls for immediate and mediated action to address the matter and uphold the integrity of Council proceedings.

At 13:37, the Speaker called for a 15 min comfort break & caucus.

Upon return at 14:01, the Speaker declared that, in accordance with Rule 3.3.2, the Motion of Exigency concerning Councillor Zana involves personal and private information. As such, the Speaker requested that the item be reintroduced under the confidential section of the agenda.

Cllr Zana requested a caucus of 5 minutes.

The Speaker granted the caucus from 14:05 -14:10.

Cllr Zana expressed that the matter under discussion was of public interest and should not be moved to the confidential agenda. He noted that similar personal matters had previously been discussed openly and emphasized that the councillor involved was a public figure. He stated that the residents of Kouga had a vested interest in the issue and that the ANC caucus supported open discussion. He further requested a division of the vote to ensure transparency regarding members' positions on the matter.

The Executive Mayor clarified that the decision regarding whether the item would be discussed in the confidential agenda had already been made by the Speaker, in line with her prerogative. It was noted that the ANC caucus may choose to table the item under the confidential agenda, after which a vote could be held to determine whether the matter should be discussed further. The Executive Mayor emphasised that continued debate on the issue was unnecessary at that stage and that a division of the vote could be called if required.

The Speaker confirmed that a decision had been made to proceed with hearing the matter to determine the outcome of Cllr Zana's motion. It was stated that the item would be addressed under the confidential agenda.

MOTION OF EXIGENCY

REVIEW AND INCREASE OF THE SPEED LIMIT ALONG KORAAL STREET IN JEFFREYS BAY

The Speaker called for support on the tabling of the Motion of Exigency as presented by Cllr Foley.

Cllr van Niekerk seconded the tabling of the motion.

Cllr Foley submitted a Motion of Exigency in terms of Rule 30, requesting that Council urgently consider a review and increase of the current 40 km/h speed limit along Koraal Street in Jeffreys Bay. He noted that Koraal Street is classified as a Class 4 road and serves as a main arterial route for surrounding communities, thereby warranting immediate attention to improve traffic flow and safety.

Cllr Foley provided further clarity on the motion concerning Koraal Street and its current speed limit. He noted that Koraal Street serves as a major connector road between residential areas and key communities, and that the existing speed limit of 40 km/h had been raised as a concern by constituents and regular road users. He highlighted that the posted limit may not reflect the road's classification, design, or actual usage patterns.

Cllr Foley also referenced reports of inconsistent driving behaviour and localised speeding near sensitive zones, particularly around Shama Kids Preschool, which posed safety risks to pedestrians and school children.

He submitted two recommendations to Council:

1. That the feasibility of installing a permanent speed control camera along identified high-speed hotspots on Koraal Street Jeffreys Bay —particularly

near Shama Kids Academy be investigated, with the aim of enhancing traffic compliance and improving pedestrian safety in the area.

2. That the current 40 km/h speed limit on Koraal Street be referred to the Traffic Calming Measures Committee for review, with consideration given to increasing the limit to 60 km/h in alignment with the road's classification and prevailing usage patterns.

3. That the recommendations outlined in 1 and 2 be accepted.

Proposed: Cllr R Foley　　　　Seconded: Cllr F Heystek

The Speaker called for a vote on the tabling of the Motion of Exigency as presented by Cllr Foley.

In favour: 22
Not in favour: 5
Abstain: 1

Resolved (29 October 2025)

1. That the feasibility of installing a permanent speed control camera along identified high-speed hotspots on Koraal Street Jeffreys Bay —particularly near Shama Kids Academy be investigated, with the aim of enhancing traffic compliance and improving pedestrian safety in the area.

2. That the current 40 km/h speed limit on Koraal Street be referred to the Traffic Calming Measures Committee for review, with consideration given to increasing the limit to 60 km/h in alignment with the road's classification and prevailing usage patterns.

3. That the recommendations outlined in 1 and 2 be accepted.

Proposed: Cllr R Foley　　　　Seconded: Cllr F Heystek

20. CLOSURE

The meeting closed at 14:25

03/04/2026

L MAREE
SPEAKER

DATE
