MINUTES OF A VIRTUAL ORDINARY COUNCIL MEETING OF KOUGA MUNICIPALITY HELD ON THURSDAY, 11 DECEMBER 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	
	B Moos	
	K Ndzelani	
	M Nicholls	
	L Nkilishane	
	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)
	C de Kock	(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)
	C Prinsloo	(Legal Officer: Office of the Speaker)
	K Minnaar	(Manager: Special Programmes)
	A Koegelenberg	(Manager: PMS)

M Rossouw	(Manager: Administration & Auxiliary Services)
M Basson	(Manager: Media & Communication)
S Mlonyeni	(Communication Officer)
R Klaasen	(Media Liaison Officer)
Z Njikelana	(Media Liaison Officer)
R Swart	(Committee Officer)
L Cweya	(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 11 December 2025 at 10:00 a.m.

2. **OPENING AND WELCOME**

The Speaker welcomed everyone present to the meeting and requested Ald Benson to open with a prayer.

3. **ABSENT WITH LEAVE**

None

4. **ABSENT WITHOUT LEAVE**

Cllr N Ntengwane

5. **PRESENTATIONS**

None

6. **ACKNOWLEDGEMENTS, CONDOLENCES & CONGRATULATIONS**

ANC, Cllr W Petersen extended his condolences to one of the passing of the greatest Koi San leaders that ever walked the soil was laid to rest last week, expressed condolences to him, his family and everyone whose life he impacted. He congratulated the Sarah Baartman District Municipality for achieving a clean audit. He also extended condolences to the loss of the MM's wife and wished for her soul to Rest in Peace.

Cllr Gertenbach congratulated the Democratic Alliance (DA) in its shining victory in Ward 2 and extended condolences to the other parties that lost.

Cllr Zana extended condolences to the family of the former Ward 9 Councillor laid to rest in Humansdorp. He wished the African National Congress (ANC) well in its 5th National General Council, congratulated the Proteas men's and women's teams on their recent victories, and expressed support for Bafana Bafana ahead of the AFCON tournament. He also raised concern regarding international affairs in Venezuela.

Cllr Ndzelani conveyed condolences to Cllr Oliphant and his family on the passing of his uncle, who was tragically struck by a vehicle.

Cllr Nkilishane congratulated Councillor Moos on her appointment to Ward 2 and expressed hope that longstanding sewerage issues affecting residents in Madiba Bay and Oliver Tambo Street would now be addressed.

Cllr Mbandana highlighted the historical significance of 4 December, noting milestones including the approval of the Constitution, the launch of COSATU, and the formation of the National Union of Mineworkers (NUM). He reflected on the legacy of Nelson Mandela, congratulated Cllr Moos for her commitment to Ubuntu, and expressed gratitude to the CFO for his effective financial leadership. He commented on international diplomacy at the G20 summit, wished the ANC well in its current National General Council, and extended condolences on the passing of the Chief as well as to Cllr Oliphant and his family.

The Executive Mayor expressed disappointment with ANC, Cllr W Petersen's conduct, noting that his remarks towards the Municipal Manager, staff, Councillors, and the Speaker were inappropriate and brought the Council into disrepute. He emphasised that such behaviour, including making unfounded condolences, is unacceptable and urged the ANC to address the matter urgently. The Executive Mayor indicated he will formally write to the Speaker with detailed proposals on how to proceed.

The Speaker thanked the Executive Mayor mentioning that everyone was left speechless and indicated that she is looking forward to the Executive Mayor's writing to her office.

Cllr Zana ascertain to the remarks that the Executive Mayor has made indicating that it was the first hearing that the wife of the MM has passed on and only to learn that the wife did not pass on. He then on behalf of the ANC, to the Speaker and to the Council and the family of the MM sincerely apologised for the utterances that were then made by Cllr Petersen. He further mentioned that he will take the matter up as the ANC within their own caucus.

The Speaker called for ANC, Cllr W Petersen to apologise to Council.

ANC, Cllr Petersen apologised for being misled into believing that the Municipal Manager's wife had passed away. He explained that, based on this incorrect information, he expressed condolences in good faith. He

acknowledged the error and noted that he will exercise greater caution in future to avoid similar misunderstandings.

At 10:44, the Speaker called ANC, Cllr W. Petersen to a point of order, stating that he was out of line and could not anticipate another person. The Council accepted the first part of his apology.

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

The Executive 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.

Thank you.

8. **STATEMENTS OR COMMUNICATIONS BY THE EXECUTIVE MAYOR**

The Executive Mayor opened by celebrating the municipality's achievement of a clean audit for the second consecutive year, extending gratitude to the Municipal Manager, CFO, directors, managers, and all staff for their collective effort. He welcomed Cllr Bonita Moos to Council, wishing her success in serving Ward 2. He noted preparations for the festive season, including infrastructure readiness and the reinstatement of two Blue Flag beaches, and expressed appreciation to all departments involved.

The Executive Mayor reaffirmed the municipality's four main priorities: roads, wastewater treatment works, electricity, and customer care. He highlighted challenges with provincial funding for informal settlement upgrades and road projects, stressing the need for urgent engagement with provincial authorities. He emphasised the importance of economic growth, job creation, and

maintaining a corruption-free municipality, commending the administration for its integrity.

9. **DISCLOSURE OF INTEREST**

ANC, Cllr W Petersen declared that he is still a resident of the property that is felt to be invaded, so if in any case the property farm 319 is to come up ha has declared that he still lives in that property and is still unmoved from there.

The Speaker confirmed that the issue of the property mentioned by ANC, Cllr W Petersen is not on the agenda for this meeting today but thanked him for declaring that on record.

10. **STATUTORY MATTERS**

None

11. **MINUTES OF PREVIOUS MAYORAL COMMITTEE MEETING FOR INFORMATION**

None

12. **CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING**

12.1 **MINUTES OF AN ORDINARY COUNCIL MEETING HELD ON 29 OCTOBER 2025**

Cllr Gertenbach raised an amendment on page 15, noting a typographical error in the vote count which should reflect "14 in favour and 10 against." He also queried on page 18 whether the ANC had submitted the names of their representatives on committees. The Speaker confirmed that she had seen the email submission and that the matter was attended to.

Cllr Mbandana requested an amendment on page 22 under FED 6, correcting the name "Cllr Bahanda" to "Cllr Mbandana." He further noted on page 32 that the word "lost" was missing from the phrase "learning from lost high-profile cases" and requested that this be corrected.

Cllr Foley raised a correction on page 9, indicating that the designation for Director de Kock should read "Director" and not "Acting Director."

The Speaker confirmed that she had received and seen the email submission from the ANC containing the names of their representatives on the committees.

Resolved (11 December 2025)

1. That the amended minutes of an Ordinary Council meeting held on 29 October 2025 be approved .

Proposed: Cllr W Gertenbach Seconded: Cllr R Foley

13. REPORTS OF COMMITTEES OF COUNCIL

13.1 REPORT BACK: SARAH BAARTMAN DISTRICT MUNICIPALITY REPRESENTATIVE

The Speaker informed Council that the minutes had been received; however, no subsequent meeting had taken place. As a result, 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

None

13.3 RULES & ETHICS COMMITTEE

None

13.4 MUNICIPAL PUBLIC ACCOUNTS COMMITTEE

None

13.5 MUNICIPAL BY - LAWS AND POLICIES

25/12/PB1 DRAFT REVIEW OF THE STANDING RULES AND ORDERS BY-LAW

Ald Benson referred to the definitions on Pg. 47 mentioning that there are two kinds of whips, there is Whip of Party and there is Whip of Council, which can also be called a Chief Whip. He also referred to the workshops held on 22 July 2025 and 2 October and proposed that the reference be made to or talk about Whip of Party referring to a member of a political party appointed by each political party represented in Council and then reference be made to a Whip of Council , who can also be called a Chief Whip, meaning the person elect is the Whip of Council, by Council according to Section 41a, 41b, and 41c of the South African Local Government Municipal Structure Act 1998, Act 117 of 1998, mention that there's a difference between group of party, whip of council and this should be put in under the definitions.

Cllr Van de Linde seconded the proposed amendment by Cllr Benson.

Cllr Zana raised the issue of Whips, confirming that both Council and party Whips are represented. He referred to clause 3.3 on virtual meetings, noting that the current wording requires members to inform the Speaker a day before if connectivity issues are anticipated. He expressed concern that technical problems may arise on the day of a meeting and proposed that the clause be amended to allow members to inform the Speaker's office immediately, enabling ICT staff to provide remote assistance. He further raised a question regarding the role of Koi and San leaders, observing that the standing rules and orders are silent on their inclusion, and requested clarification.

The Speaker acknowledged Cllr Zana proposed amendment, confirming that members may check connectivity beforehand but should also be permitted to inform the Speaker's office on the morning of the meeting if issues arise. Cllr W Petersen seconded this proposal.

The Manager Legal responded that the matter of Koi and San leaders is not currently applicable to Kouga Municipality, as no traditional leaders have been formally introduced to Council but noted that future amendments may be required should circumstances change.

Cllr Nkilishane proposed three amendments to standing orders 25.2:

1. That the Speaker's list of speakers for each agenda item be shared with all party Whips at least one hour before the meeting.
2. That virtual meetings be held only if physical meetings are not possible, amending clause 3.3.2 accordingly.
3. That all councillors retain control of their own mute and unmute functions during virtual meetings to allow points of order and participation, similar to physical meetings.

ANC, Cllr W Petersen, and Cllr Mbandana seconded these proposals, emphasising preference for physical meetings. Councillor Heystek objected, stating that virtual meetings are more productive and should continue, with mute/unmute functions managed by an administrator.

Cllr van Niekerk seconded Cllr Heystek's proposal.

The Speaker called for a vote on the proposed amendment by Cllr Nkilishane.

12 in favour of the proposed amendment

16 not in favour of the proposed amendment

Therefore, the motion to amend does not carry.

It was resolved to proceed with the two integrated aspects and combined motions from Cllr Zana and Ald Benson.

The motion was proposed by Cllr Mbandana and seconded by Cllr van der Linde.

It was further resolved that the policy be referred for public participation before being returned to Council for consideration.

Resolved (11 December 2025)

1. That the amended Kouga Local Municipality Draft Standing Rules and Orders by-law be approved by the Municipal Council.

2. That the approved Kouga Local Municipality Standing Rules and Orders by-law be published for public inputs as required in terms of the Municipal Systems Act, Act 32 of 2000, as amended.

3. That the draft approved by-law be referred to Council after completion of the public participation process.

Proposed: Cllr M Mbandana Seconded: Cllr W van der Linde

25/12/PB2 **DRAFT REVIEW OF THE KOUGA MUNICIPALITY BY-LAW ON LIQUOR TRADING HOURS**

Cllr Mbandana stated that the community is very concerned about trading hours and the loud noise that has become an unbearable nuisance. He noted that this issue has been consistently raised by church elders and emphasised that there are no strict measures from Community Services to monitor or enforce noise levels. He suggested that law enforcement should intervene, particularly with taverns operating until 02h00.

The Director: Community Services explained the process for reporting nuisance, indicating that complaints must be lodged through the Call Centre, where a reference number is issued, and the matter attended to thereafter.

Cllr Heystek referred to page 94, clause 4(a) of the policy, which states that the community cannot make recommendations on applications for premises situated within 500 metres of a school or church. He expressed concern that this provision is problematic, as many premises fall within this radius, thereby limiting ward committees from making recommendations.

The Manager: Legal Services clarified the legislative framework, explaining that ward committees do not make recommendations but rather submit comments on applications. These comments are referred by the ward councillor to the municipality, which then considers the application in terms of the policy. She confirmed that the limitation applies only to applications within the specified radius.

Resolved (11 December 2025)

1. That the amended Kouga Local Municipality Draft By-Law on Liquor Trading Hours be approved by the Municipal Council.

2. That the approved Kouga Local Municipality By-law on Liquor Trading Hours be published for public inputs as required in terms of the Municipal Systems Act, Act 32 of 2000, as amended.

3. That the draft approved by-law be referred back to Council after

4. completion of the public participation process.

Proposed: Cllr M Mbandana Seconded: Cllr F Heystek

25/12/PB3 **CELL PHONE POLICY AND CELL PHONE ALLOWANCE SCHEME**

ANC, Cllr W Petersen referred to the statement that the policy would be effective from 1 July 2025, noting that this would result in backdating and back payments to certain individuals. He questioned why the policy could not become effective in 2026 and raised concerns regarding allowances for senior managers, who already receive structured salary packages. He further queried the distinction between cell phone allowances and handsets provided under different sections of the policy.

Cllr Mbandana requested clarity on whether the introduction of such allowances was consistent with existing legislation, including the Finance Management Act and the Systems Act. He cautioned against conflating contractual provisions and warned that if the policy was not legally grounded, it should be stopped immediately.

The Deputy Municipal Manager clarified that senior managers appointed under Sections 56 and 57 have different conditions of employment compared to bargaining council employees. He explained that cell phones are considered a tool of trade and that the policy provides either for a municipal cell phone contract or a cell phone allowance. He referred to Chapter 5, Section 40 of the local government regulations on the appointment and conditions of employment of senior managers, which entitles senior managers to compensation for the use of a mobile phone and data card for official purposes.

He noted that benchmarking had been conducted with municipalities in Gauteng, Mpumalanga, Limpopo, and the Western Cape, and that the allowance amounts were aligned with those municipalities. He explained that the backdating was linked to the financial year for alignment purposes.

ANC, Cllr W Petersen raised a follow-up, proposing that Council be furnished with copies of cell phone policies from other provinces before approving implementation, to allow for cross-referencing.

Cllr Mbandana seconded this proposal, recalling past incidents between 2003 and 2005 where backdating of salaries led to resignations, and emphasised the need for sufficient information to avoid repeating such scenarios.

The Speaker noted that a policy workshop had been held where these issues could have been raised.

The Deputy Municipal Manager confirmed that the legislative basis had been explained at the workshop and reiterated that the backdating was linked to the financial year.

Cllr Yali added that backdating had occurred previously in line with updated legislation and that councillors retain the right to research and raise discrepancies.

Cllr Foley objected to reopening the matter, stating that it had been thoroughly discussed at the workshop and policy committee, and that revisiting it wasted administrative and councillor time.

Cllr Stuurman supported this objection.

The Speaker called for a vote on Cllr W Petersen's proposal that sufficient information be provided to Council regarding the backdating before implementation.

In favour: 9

Not in favour: 16

Abstain: 1

The proposal was therefore not carried.

Resolved (11 December 2025)

1. That the Cell Phone Policy and Cell Phone Allowance Scheme be submitted to Council for approval.

2. That the proposed cell phone allowance be made effective from 1 July 2025, to allow employees to secure favourable contracts.

25/12/PB4 **APPROVAL OF THE REVIEWED POLICY ON THE STANDING RULES AND PROCEDURES WITH REGARD TO DISCIPLINARY MATTERS AGAINST KOUGA MUNICIPAL COUNCILLORS**

Cllr Nkilishane expressed outright opposition, stating that the fines were excessively harsh and amounted to financial deprivation rather than disciplinary action. He referred to a case where multiple charges in a single sitting resulted in consecutive months of salary deductions, describing this as unjust and procedurally flawed. He noted that the matter was already under review by a provincial Member of the Executive Council and argued that adopting a harsher policy during such review would be premature and disrespectful. He moved that the proposed fine schedule be rejected and returned to committee for redrafting.

The Executive Mayor supported the policy, emphasising that councillors can influence decisions without disorderly conduct and that fines are necessary consequences for breaches of the code of conduct. He noted that only a small number of councillors had been fined and that the majority had not.

ANC, Cllr W Petersen raised a point of order under Rule 26, alleging that the Executive Mayor was misleading Council.

The Speaker overruled, confirming that policies are approved by majority vote.

The Executive Mayor continued, stating that councillors have influenced decisions through constructive proposals without disorderly behaviour, and that the policy was intended only for ill-disciplined councillors.

Cllr Zana indicated that the ANC did not support the policy, arguing that a national framework already exists under Schedule 7 of the Municipal Structures Act and that creating a parallel mechanism would be prejudicial and unnecessary. He recommended that the policy be rejected.

Cllr Mbandana expressed concern that the policy undermined constitutional principles of equality and fairness, drawing parallels to past discriminatory systems. He emphasised that councillors are equal legislators elected to defend the historically disadvantaged and that the policy was contrary to values of dignity, justice, and Ubuntu.

ANC, Cllr W Petersen stated that Council cannot dictate how political parties debate unless rules are broken. He argued that the proposed changes were racially biased and aimed at suppressing opposition parties.

The Speaker called for Cllr W Petersen to remain relevant under Rule 32.

ANC, Cllr W Petersen maintained that the policy was intended to suppress opposition and perpetuate inequality. The Executive Mayor raised a point of order, rejecting the racial argument and stating that the policy applied equally to all councillors and was intended only to address misconduct.

Cllr Heystek referred to Rule 38, stating that penalties escalate only after repeated offences and dismissing racial arguments as irrelevant. He emphasised that the measures were necessary to address misconduct and that councillors had ample opportunity to abide by the rules before severe penalties applied.

The Speaker called for a vote on the approval of the reviewed policy on standing rules and procedures regarding disciplinary matters.
In favour: 17
Not in favour: 8
Abstain: 2

Resolved (11 December 2025)

1. That the Policy on the Standing Rules and Procedures with regard to Disciplinary Matters against Kouga Municipal Councillors be approved by the Municipal Council.

14. **REPORT BACK: MUNIMEC**

25/12/M-MEC REPORT: PROVINCIAL POLITICAL MUNIMEC FORUM

The Executive Mayor reported on his attendance at the provincial MUNIMEC, noting that only MEC Williams was present and that engagements yielded limited outcomes. He highlighted the presentation by the Deputy Minister of Local Government, particularly matters relating to amendment bills, the District Development Model, councillor welfare, and the White Paper on local government.

Cllr Mbandana expressed appreciation for the report and the inclusion of supporting documentation. ANC, Cllr W Petersen questioned Council's position and mandate regarding the White Paper. Councillor Foley raised a point of order on relevance, and Councillor Yali referred to previous concerns about reporting consistency. The Speaker directed Councillor Petersen to address the item at hand.

Cllr Zana commended the Executive Mayor's attendance, emphasised the importance of Kouga Municipality's representation at provincial forums, and welcomed the report, particularly references to the District Development Model and councillor welfare.

The Executive Mayor clarified that attendance at MUNIMEC is by invitation and does not require a Council mandate. He noted the relevance of the proposed funding model for municipalities and the minimum threshold for political parties to gain seats in Council, describing these as progressive changes. He suggested that Council may consider a workshop on the District Development Model once legislative changes are advanced.

The Speaker concluded that the report was for noting only and did not require a vote.

Resolved (11 December 2025)

1. That Council note the report on provincial political MINIMEC Forum.

15. **REPORTS BY THE OFFICE OF THE MUNICIPAL MANAGER**

25/12/MM1 2025/6 SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN: PROGRESS UP TO THE QUARTER ENDING 30 SPTEMEBR 2025

The Executive Mayor thanked the Municipal Manager and administration staff, noting significant improvements in performance reporting as confirmed by the Auditor-General, while highlighting the need to streamline reporting formats for accuracy.

Cllr Ruth requested that future reports include budget columns aligned to departmental budgets for improved oversight.

Cllr Zana sought clarity on sanitation and water supply targets not met, as well as expenditure figures on wastewater treatment projects.

Cllr van der Linde raised concerns about incorrect annual targets reflected in the SDBIP, unspent capital budgets, and outstanding work on the Seekoei Estuary Causeway.

The Municipal Manager explained that the report covered quarter one, with delays due to procurement processes. Mr Koegelenberg clarified that figures were system-generated and not indicative of reduced service access and confirmed that 16% expenditure on wastewater treatment works remained available for the year. Mr de Kock reported progress on capital projects, noting delays due to seasonal factors, with the Jeffreys Bay CBD upgrades scheduled for January 2026 and the Seekoei Estuary Causeway nearing completion. He confirmed that the Ramaphosa Sewer Pump Station Upgrade was stalled due to withheld USEP funding, despite readiness to proceed.

The Municipal Manager emphasised that reporting reflects expenditure rather than project progress, with clearer updates expected in subsequent quarterly reports. Mr Koegelenberg added that SDBIP corrections would follow adoption of the mid-year adjusted budget.

The Speaker supported the proposal for clearer progress information in future reports and confirmed that the 2025/26 SDBIP progress report for the quarter ending 30 September 2025 was noted.

Resolved (11 December 2025)

1. That Council note the 2025/26 Service Delivery and Budget Implementation Plan: Progress up to the quarter ending 30 September 2025 was only for noting.

25/12/MM2 **DESIGNATION OF FULL-TIME COUNCILLOR – MPAC SHAIRPERSON**

Cllr Nkilishane, on behalf of the Economic Freedom Fighters (EFF), objected to the proposal, arguing that Kouga Municipality, as a Category B municipality with 30 councillors, does not meet the threshold of 40 councillors and cannot justify such a position. He described the move as misuse of public funds and a betrayal of oversight principles, further alleging that MPAC has failed in its oversight role and is controlled by the ruling party.

The Speaker raised a point of order under Rule 32, directing Cllr Nkilishane to remain relevant to the item.

Cllr Nkilishane continued, stating that MPAC should be chaired by the opposition to ensure independent scrutiny and robust oversight.

Cllr Mbandana noted respect for the incumbent councillor but opposed the proposal on grounds of financial prudence, suggesting that the position would unnecessarily strain municipal resources.

Cllr Zana, on behalf of the ANC, also opposed the proposal, citing the absence of substantiated maladministration reports from MPAC, the financial burden on ratepayers, and the fact that Kouga does not meet the legislative threshold.

Cllr van der Linde, representing the Freedom Front Plus (FF+), echoed these concerns, questioning the timing of the proposal at the end of the Council's term and reiterating that the municipality cannot afford it.

The Executive Mayor responded that the proposal was lawful, subject to MEC approval, and intended to strengthen oversight. He emphasised the importance of the MPAC Chairperson's role in reviewing the annual report and other governance documents, noting that the workload had increased to the extent that it was unfair to expect a part-time councillor to manage it.

The Municipal Manager clarified that the R6 million referenced was the total staff salary budget, not allocated to the MPAC Chairperson. He explained that the proposal aimed to strengthen governance structures, improve oversight, and ensure the quality of annual reporting.

The Speaker concluded that the matter was still at the start of the process and would return to Council once the necessary approvals had been obtained.

The Speaker called for a vote as follows:

In favour: 15
In favour: 10
Abstain: 1

Resolved (11 December 2025)

1. That proposal for the designation of full-time Councillor – MPAC Chairperson carries.

2. That should the Municipal Council consider the designation of the MPAC Chairperson as a full-time Councillor, the Municipal Manager be mandated to write to the MEC of Local Government in the Eastern Cape to make such determination in accordance with the Policy Framework for the Designation of Full-time Councillors dated 31 May 2022, and to subsequently thereto, report back to the Municipal Council.

25/12/MM3 **REPORT BY THE PUBLIC PROTECOR AND ACTION PLAN ARISING FROM THE PUBLIC PROTECTOR REPORT NO. 15 OF 2025/2026: INVESTIGATION INTO ALLEGATIONS OF FAILURE BY THE FUNCTIONARIES OF KOUG LOCAL MUNICIPALITY TO ENSURE THAT JEFFREYS BAY AND KWANOMZAMO WASTEWATER TREATMENT PLANTS ARE PROPERLY MAINTAINED**

Cllr Zana commended the complainant for referring the matter to the Public Protector, noting that such actions promote accountability. He enquired whether the two wastewater treatment plants are fully operational and whether spillage continues into nearby rivers. He highlighted the failures identified in the Public Protector's report and requested clarity on measures to prevent recurrence.

He further asked the Municipal Manager to confirm confidence in meeting the timelines for remedial actions, including the refurbishment of Kwa Nomzamo and installation of closed-circuit television systems. Concerns were raised regarding budget utilisation, with R46 million of the R49 million allocation already spent, and he questioned whether additional- funding or contingency plans were in place to complete outstanding work.

Cllr Mbandana, on behalf of the African National Congress (ANC), expressed appreciation for the actions taken by community member Mr Fred van Rooyen in raising concerns about wastewater spillage. He referred to the 2022 Seekoei incident, noting that Paradise Beach residents had been exposed to sewerage, as confirmed by the Public Protector's findings.

He questioned the use of municipal budgets prior to the R42 million allocation from Minister Senzo Mchunu and recommended that the Member of the Executive Council for Cooperative Governance and Traditional Affairs, the Premier, and the Minister conduct inspections and review municipal financial records dating back to 2016. He concluded with remarks regarding Director Civil and Water Services performance.

At 13:11, Cllr Foley raised a point of order, noting that Cllr Mbandana's remarks towards a director were inappropriate and not fitting for Council proceedings. Councillor Foley requested that Cllr Mbandana retract his statement.

At 13:12, the Speaker requested Cllr Mbandana to retract his statement regarding the director. The Speaker noted that the report attributed the matter to vandalism and funding issues, and therefore the remarks made were not appropriate for Council proceedings.

Cllr Mbandana declined to retract his statement regarding the director.

The Speaker noted the refusal and indicated that disciplinary processes may need to be considered in response.

The Executive Mayor emphasised that the matter under discussion had already been addressed by Council on several occasions and that Council had acted transparently throughout. He highlighted that one of his first actions as Mayor was the closure of the Seekoei estuary due to a spill, followed by the implementation of a six-point- plan in June 2022, which was successfully completed.

The Executive Mayor requested the Municipal Manager and Director: Civil and Water Services to provide clarity on interventions already undertaken, noting that the remedial actions referred to by the Public Protector had in fact been implemented and related to historical issues repeatedly raised by community member Mr F van Rooyen. He assured Council that, without the interventions of the Municipal Manager and Director: Civil and Water Services, the Municipality would have faced significant challenges.

The Executive concluded by affirming that the municipality is currently in a strong position in relation to the Public Protector's findings and the state of its infrastructure.

Cllr van der Linde referred to the report tabled before Council, noting the timelines of 30, 60, and 90 days, and asked the Municipal Manager whether the Kouga Municipality is meeting these targets. He further enquired about the action plan submitted to the Department of Cooperative Governance and Traditional Affairs, which included deadlines of 25 November 2025 and 30 November 2025, and requested clarity on whether these dates were met, particularly regarding the installation of closed-circuit- television cameras.

Cllr van der Linde also requested information on pilot software programmes being used in St Francis and Humansdorp, asking whether the Municipality is benefiting from them and whether they will be implemented across all wastewater treatment plants.

Cllr van der Linde proposed that the Municipal Public Accounts Committee (MPAC) conduct oversight visits to all sites, including Jeffreys Bay and Kwa Nomzamo, and report back to Council on the state of the wastewater treatment plants.

Cllr Nkilishane stated that Council would comment on the item as it appears on the agenda and emphasised that councillors must be free to express their views. He referred to the minutes of the Council meeting held in October 2025, which recorded litigation matters involving Mr Fred van Rooyen, including the withdrawal of attorneys and concerns over municipal legal exposure. He noted that the Public Protector's report confirms Mr van Rooyen as the complainant and that he also opened a criminal case, thereby strengthening his credibility.

Cllr Nkilishane requested the Municipal Manager to clarify whether residents of Humansdorp, Jeffreys Bay, Sea Vista, Hankey, Patensie, Loerie, and Thornhill swam in the Seekoei estuary while it was contaminated with sewerage, and whether the Mr van Rooyen referred to in the Public Protector's report is the same individual involved in the litigation and criminal matters. He further questioned why the municipality publicly criticised Mr van Rooyen instead of addressing the failures, and why long-term- internal failures confirmed by senior officials were not escalated to political leadership.

Cllr Nkilishane highlighted that the Public Protector's findings contradict the Municipality's defence of sabotage, instead confirming internal failures, non-maintenance, and maladministration at Kouga wastewater treatment plants. He stated- that the municipality cannot claim to be the best in the Eastern Cape while the Public Protector details environmental pollution and governance failures.

Cllr Nkilishane submitted the following proposed actions:

- Immediate precautionary suspension of the Municipal Manager, with disciplinary processes to follow.
- Referral of the Executive Mayor to the Rules and Ethics Committee for failing to respond to the Public Protector's notice and for misleading residents.
- Disciplinary action against a senior official whose testimony confirmed long-term internal failures.

The Municipal Manager explained that the report relates to the Jeffreys Bay and Kwanomzamo wastewater treatment plants. The Kwa Nomzamo plant had been destroyed by unrest and sabotage, but the project has now been completed. The Jeffreys Bay plant has remained functional and has never released untreated sewerage. Issues at the estuary were related to ecocline levels, not sewerage, and were addressed immediately.

He noted ongoing challenges, including deliberate sabotage of infrastructure, with charges laid at the police. He welcomed the proposal for the MPAC to visit the sites. A process audit by external consultants identified R350 million in required upgrades, which will need to be phased in over several financial years. He highlighted significant investments made in wastewater treatment works over the past nine years, including upgrades at Kraaifontein, St Francis, Kwa Nomzamo, Jeffreys Bay, and Hankey, with further projects planned for Loerie and Thornhill.

The Director: Civil and Water Services confirmed that both plants are operational and producing treated effluent. He explained that Kwa Nomzamo is in the process of sludge buildup, while Jeffreys Bay's clarifier has been repaired. A dry run was conducted at Kwa

Nomzamo on 26 November 2025, with consultants still on site and spare parts being procured. He noted ongoing vandalism challenges and outlined new protective measures, including Sukuma slabs, -closed-circuit- television cameras, and infrared monitoring systems linked to the Integrated Control Centre.

The Director: Civil and Water Services confirmed that budget allocations are sufficient to complete the current scope of work. He emphasised wastewater treatment as a high priority, with process audits feeding into a Regional Bulk Infrastructure Grant application. He noted that the forthcoming Green Drop report will reflect improvements and that items raised by Cllr van der Linde, including closed-circuit- television installations, will form part of the municipality's response to the Public Protector.

The Executive Mayor seconded Cllr van der Linde's proposal for the MPAC to conduct oversight visits, stating it would demonstrate the extensive work completed and highlight future needs. He emphasised the importance of Council support for adjustments to the budget in January 2026 and the new budget in June 2026 to address infrastructure challenges. He noted that Mr F van Rooyen, previously referenced by Councillors, had attended the wastewater treatment plant visit with the Minister of Water and Sanitation, who congratulated Kouga Municipality on its progress. He welcomed the oversight proposal and encouraged Councillors to participate.

At 13:37, Cllr Yali raised a point of order, noting that the Speaker had requested a seconder but then allowed the Executive Mayor to deliver a speech.

The Speaker clarified that the Executive Mayor is permitted to speak on any item at any time. She acknowledged that she had requested a seconder but allowed the Executive Mayor to provide input accordingly.

Cllr Nkilishane raised concern that his earlier questions had not been answered, specifically whether residents of Humansdorp, Sea Vista, Hankey, Patensie, and the Seekoei estuary swam while it was contaminated with sewerage, and whether Mr Fred van Rooyen referred to in the Public Protector's report is the same individual involved in litigation and criminal matters.

The Municipal Manager stated that he is not a spokesperson for Mr F van Rooyen and confirmed that the projects have reached practical completion, with explanations already tabled by the Director: Civil and Water Services.

The Speaker addressed Cllr Nkilishane, indicating that his answers are "no" and that such questions must be directed to the relevant person, who was not present at the meeting.

Cllr Mbandana raised concern about how Councillors are treated in Council when raising serious issues affecting the community. He noted that his question regarding whether the Minister of Water and Sanitation, the Premier, and the Member of the Executive Council for Cooperative Governance and Traditional Affairs could be brought in had not been answered.

The Municipal Manager responded to indicate that the provincial department visits the Municipality monthly, and the officials had been asked to monitor the Kouga Municipality very closely and have been engaging with them on a continuous basis.

The Director: Civil and Water Services confirmed that the Department of Water and Sanitation has a compliance section which regularly visits Kouga Municipality. Results from these visits are uploaded to the Integrated Regulatory Information System, to which the Department has direct access for both water and wastewater monitoring.

He noted that early in 2026 the Department plans to meet the new Manager of Water and Sanitation to discuss improvements made by the Municipality. He emphasised that Kouga Municipality is transparent and involves the Department in daily activities where required. The Department has full access to municipal data, and there is no resistance from the municipality. He concluded that Kouga Municipality maintains a good relationship with the Department of Water and Sanitation, which continues to provide assistance and oversight in ensuring compliance.

The Speaker indicated that Cllr Mbandana had raised a question of clarity. She advised that if he had further questions, he was welcome to submit them in writing to the Office of the Speaker.

Cllr Ndzelani seconded the proposal raised by Cllr Nkilishane to remove the Municipal Manager, the Executive Mayor, and all officials involved.

Cllr Foley raised an objection to the proposals.

Cllr Zana raised a point of relevance, noting that the Municipal Manager had been asked whether Mr F van Rooyen referred to in the Public Protector's report was the same individual involved in litigation matters. He stated that the Municipal Manager's response that the question should be directed to Mr van Rooyen was unacceptable, as the Municipal Manager is the accounting officer and should be able to clarify such matters. He criticised the Speaker for condoning the response.

Cllr Zana indicated that the ANC acceptance of the Municipal Manager's response but expressed support for the proposal made by the Economic Freedom Fighters, stating that the Municipal Manager's answer was unacceptable and that he must respond to Council's questions without emotion.

The Speaker explained that the Municipal Manager's intention was to indicate that he could not respond on behalf of another person.

The Executive Mayor stated that he does not know Mr F van Rooyen personally and has never engaged with him directly. He therefore could not confirm whether the individual referred to in the Public Protector's report is the same person involved in litigation matters and stated that he was not able to provide an answer.

The Speaker called for vote on Cllr Nkilishane' proposal:

In favour: 9
Not in favour: 17
Abstain: 0

Resolved (11 December 2025)

1. That Council take note of the Public Protector Report together with the Response Report and Action Plan submitted by KLM to the Public Protector.

2. That the Implementation Plan be submitted to the Member of the Executive Council (MEC) for the Department of Cooperative Governance and Traditional Affairs (COGTA) in the Eastern Cape Province for purposes of monitoring of implementation.

3. That the Municipal Public Accounts Committee (MPAC) conduct site visits to all municipal water treatment plants and submit a comprehensive report to Council on their current state and operational condition.

Proposed: Cllr W van der Linde Seconded: Cllr H Bornman

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

25/12/DMM1 MEDIA AND COMMUNICATION: CORPORATE SHOP (BRANDED CORPORATE CLOTHING)

Resolved (11 December 2025)

1. That the remaining inventory at the Kouga Local Municipality Corporate Shop be disposed of through donations to the internal departments for purposes such as recognition awards or gifts, giveaways during strategic sessions, workshops, and conferences.

2. The distribution of the donated items should be conducted based on an application by the internal directorates and/or department, while stock lasts, together with written proof of the intended use.

3. That the Corporate Shop be closed.

25/12/DMM2 **SPONSORSHIP OF THE INKANYEZI EVENTS – WORKING WORLD EXHIBITION – CAREERS AND SKILLS DEVELOPMENT INITIATIVE IN KOUGA**

Cllr Foley applauded the project, noting that last year's exhibition in Kouga attracted thousands of young people who were exposed to educational opportunities, work prospects, and knowledge of available resources. He congratulated and thanked Council and Administration for implementing a project that benefits both Kouga residents and visitors.

Cllr Ruth requested that contracting with the organiser include clear parameters regarding responsibilities and the expected number of exhibitors. She noted that while the event was successful, Kouga staff had to secure additional exhibitors, and clarity is needed on Inkanyezi's commitments.

Cllr Zana agreed with Cllr Ruth and supported the item. He queried whether the R250 000 budget allocation represents the municipality's full contribution and asked what financial resources the organisers will provide. He emphasised accountability for public funds, requested audited financial statements from the organisers, and raised concern about value for money if exhibitor numbers are not met. He stressed the need for maximum exposure for Kouga's youth.

Cllr van der Linder expressed support for the item and echoed the concerns raised by Cllr's Ruth, Zana, and Foley. He reminded Council of a previous resolution requiring sponsorship proposals to return annually for approval, rather than being granted for three years. He appealed to Council to adhere to the year-to-year resolution basis.

The Deputy Municipal Manager responded that the sponsorship agreement will include parameters and responsibilities, with a report tabled to Council after the exhibition to assess success. He emphasised a focus on local careers and economic development. He acknowledged Councillor Ruth's concerns and confirmed these will be addressed in the agreement. He was uncertain about the previous resolution on year-to-year sponsorships and indicated he could not respond definitively at this stage.

The Manager: Special Programmes confirmed that the sponsorship value is R250 000, with consultations ongoing with Inkanyezi regarding the draft budget for the 2026 exhibition. He noted that last year's expenses exceeded R400 000, meaning Kouga Municipality is not funding the event in full. Inkanyezi is responsible for securing 50 stalls, with emphasis on local entities.

Cllr van der Linde requested clarity on whether the organiser is a local company or external and reiterated that the Deputy Municipal Manger should review Council's resolution regarding year-to-year agreements.

The Speaker emphasised that although the agreement is for three years, it must return to Council annually in line with the resolution.

The Deputy Municipal Manger acknowledged Cllr van der Linde's point, confirming his understanding that the agreement must be brought back to Council annually with a close-out report, after which Council will decide whether to continue.

The Manager: Special Programmes stated that Inkanyezi operates nationally, hosting major career exhibitions across the country, with offices based in Nelson Mandela Bay.

Resolved (11 December 2025)

1. That Council approves the annual funding allocation of R250 000 to Inkanyezi Events Working World Exhibition for the 2025/2026, 2026/2027 and 2027/2028 Financial Years.

2. That Council authorizes the Accounting Officer to conclude a Sponsorship Agreements with Inkanyezi Events Working World Exhibition in accordance with the funding allocated in recommendation 1 above.

25/12/DMM3 NOMINATED ALTERNATE MEMBERS OF THE MUNICIPAL BY-LAW AND POLICY COMMITTEE

Resolved (11 December 2025)

1. That the names of nominated alternate members submitted for Municipal Bylaw and Policy Committee be approved as below:

Municipal By-laws and Policy Committee:

Committee Members	**Alternate members**
Chairperson: Cllr F Heystek	Cllr M Nicholls
Cllr A Hendricks	Cllr S Ruth
Ald D Benson	Cllr M Mbandana
Cllr R Foley	
Vacant	
Cllr G Stuurman	
Cllr T Mbuqu	
Cllr K Ndzelani	
Cllr C Pietersen	
Cllr W van der Linde	
Cllr L Nkilishane	

25/12/DMM4 COUNCIL RECESS: DELEGATED AUTHORITY: EXECUTIVE MAYOR

Cllr Mbandana noted that delegation of authority is an annual occurrence and expressed confidence that the Executive Mayor is

empowered to act within legislative parameters. He suggested performance could be monitored through economic impact, visitor intake, and town planning outcomes, given the influx of citizens to Kouga. He emphasised its belief that the Executive Mayor will act openly on behalf of Council and the community, ensuring governance matters are addressed efficiently and fostering harmony for residents and visitors.

The Deputy Municipal Manager explained that during the recess period, all essential services remain operational and continue to function as normal. Daily Joint Command Centre (JCC) meetings are convened every morning, with participation from emergency services, SAPS, and other relevant role players to provide feedback and address issues throughout the festive season. These meetings are held virtually when necessary, including on public holidays and Sundays. Essential staff are generally not on leave during this period, and lifeguards are appointed to ensure safety at beaches.

The Deputy Municipal Manager clarified that while Council's Portfolio Committees, Ward Committees, and Council Committees go into recess, certain decisions are delegated to the Executive Mayor. However, the Mayor is not permitted to approve the Integrated Development Plan, the budget, or By-Laws. Other decisions requiring Council approval may be exercised under delegated authority, with a full report on such decisions tabled to Council after recess to ensure transparency and accountability. This arrangement is intended to maintain productivity during the recess period.

Cllr Yali raised a question of clarity regarding the scope of delegated authority, specifically whether it extends to the appointment or recruitment of permanent employees. He expressed concern about past instances where delegated powers were allegedly misused, resulting in the appointment of a close family member, and stated that such a situation should not be repeated.

The Speaker responded by clarifying that the Executive Mayor does not have the authority to appoint staff. Appointments are made by the Human Resources Department, and the Executive Mayor has no role in recruitment processes.

Cllr Nkilishane objected to the proposed delegation of authority to the Executive Mayor.

. The Speaker called for a vote as follows:

In favour: 17
Not in favour: 4
Abstain: 1

Resolved (11 December 2025)

1. That a Council recess be approved from 12 December 2025 to 11

January 2026.

2. That Council resolves that the Executive Mayor be granted delegated authority to deal with all Council affairs during the recess from 12 December 2025 to 11 January 2026, subject to the following undermentioned conditions:

2.1 The exercise of delegated authority shall exclude the passing of a bylaw; approval of a budget; the imposition of rates and other taxes, levies, and duties, the raising of loans, the amendment of tariffs, the approval or amendment of the IDP.

2.2 That the parameters of the Supply Chain Management Policy be complied with.

3. That all matters dealt with by the Executive Mayor, in respect of this delegation, be submitted to Council in report format for information or for review to a Council meeting following the delegation period.

25/12/DMM5 **AMENDED COMMITTEE MEMBERSHIP – SECTION 80, 79 AND 79A COMMITTEES – REPLACEMENT OF COUNCILLOR**

Resolved (11 December 2025)

1. That Council resolve that Cllr B Moos replace Mr H Murray on the respective Section 79 committees as follows:

Municipal By-laws and Policy Committee:

Committee Members
Chairperson: Cllr F Heystek
Cllr A Hendricks
All D Benson
Cllr R Foley
Cllr B Moos
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 B Moos replaces Mr H Murray on the composition of members for the Section 79(A) committee as follows:

Municipal Public Accounts Committee:

Committee Members
Chairperson Cllr M van Niekerk
Cllr B Moos
Cllr C August
Cllr G Stuurman
Cllr W Gertenbach
Cllr F Heystek
Cllr V Zana
Cllr P Oliphant
Cllr C Pietersen
Cllr W van der Linde
Cllr L Nkilishane

3. That Council resolve that Cllr B Moos replace Mr H Murray on the composition of members for the Section 80 committees as follows:

Committee Members	**Alternate members:**
Chairperson: J Alexander	Cllr B Dhludhlu
Cllr S Ruth	Cllr B Moos
Cllr A Hendricks	Cllr Ntshota
Cllr W Gertenbach	
Cllr M Nicholls	
Cllr M Valgee	
Cllr M Mbandana	
Cllr C Pietersen	
Cllr W van der Linde	
Cllr L Nkilishane	

Electro-Mechanical Services Portfolio Committee:

<u>Corporate & Communication Services Portfolio Committee:</u>

Committee Members	**Alternate members:**
Chairperson: Cllr M Nicholls	Cllr B Dhludhlu
Ald D Benson	Cllr S Ruth
Cllr M van Niekerk	Cllr T Mbuqu
Cllr B Moos	
Cllr G Stuurman	
Cllr V Gunuza	
Cllr Ntshota	
Cllr C Pietersen	
Cllr W van der Linde	
Cllr L Nkilishane	

Finance & Economic Development Portfolio Committee:

Committee Members	Alternate members:
Chairperson: Cllr S Ruth	Cllr B Moos
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	

Community and Safety Services Portfolio Committee:

Committee Members	Alternate members:
Chairperson: Ald D Benson	Cllr S Ruth
Cllr G Stuurman	Cllr J Alexander
Cllr C August	Cllr N Ntengwane
Cllr F Heystek	
Cllr B Moos	
Cllr E Mbuqu	
Cllr K Ndzelani	
Cllr C Pietersen	
Cllr W van der Linde	
Cllr L Nkilishane	

The Speaker declared a comfort break from 14:16 – 14:23

17. **MATTERS DEALT WITH IN TERMS OF DELEGATED AUTHORITY BY THE EXECUTIVE MAYOR**

(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**

25/12/FED1 **DESTINATION MARKETING – INTERNATIONAL TRADE SHOW FY 2025/2026**

Councillor Zana expressed support for the item, noting that it aligns with priorities of the ANC caucus. He emphasised that while Jeffreys Bay and its beaches serve as the primary attraction for destination marketing, all smaller towns within Kouga should be included in

promotional efforts. He stated that this broader approach would enhance tourist numbers and create employment opportunities across the municipality.

The CFO responded that the Municipality is committed to promoting all nine towns as part of its tourism destination marketing strategy. He explained that while the three main towns remain the core focus due to their national and international appeal, once visitors arrive, the municipality intends to highlight attractions and activities in all nine towns.

The Executive Mayor expressed support for the item, highlighting the importance of tourism in driving the local economy. He noted that while the Municipality plays a limited role in sectors such as agriculture and fisheries, it has a direct role in tourism and must ensure the industry's success. He observed that international visitors are increasingly engaging with Kouga Local Municipality, which he described as a positive development.

The Executive Mayor proposed two additional recommendations: (i) that a specific method be implemented or explored to measure the impact and success of the roadshows to ensure value for money; and (ii) that the Integrated Economic Growth Strategy (IEGS) and the Tourism Plan be submitted to the Finance and Economic Portfolio Committee meeting scheduled for February 2026.

Cllr Ruth seconded the proposal.

Cllr Mbandana supported the Executive Mayor's proposal for additional recommendations and urged that benchmarking methods be considered, such as monitoring arrivals through airports and vehicle counts. He requested that communities be repackaged to ensure inclusivity and pleaded that disadvantaged community's benefit from tourism initiatives. He emphasised the importance of practising Ubuntu in this regard.

Resolved (11 December 2025)

1. That Council approves the participation of Kouga Municipality in the Vakantiebeurs & Roadshow to take place from 07 - 22 January 2026

2. That Council approve the following attendees:

   Acting Manager F&ED: Mrs. Anene Jonck
   Tourism & Marketing Officer: Mrs. Heidi Halgryn

3. That a specific method be implemented or explored to measure the impact of success of the roadshows to monitor the value for money.

4. That the Integrated Economic Growth Strategy (IEGS) and the

Tourism Plan be submitted to the Finance & Economic Portfolio Committee meeting scheduled for February 2026.

Proposed: Cllr H Borman Seconded: Cllr R Ruth

25/12/FED2 **ADJUSTMENTS BUDGET FOR THE 2024.25 UNSPENT MUNICIPAL DISASTER RECOVERY GRANT (NATIONAL TREASURY APPROVED ROLLOVER) AND OTHER ADJUSTEMENTS**

Cllr Zana requested clarity on whether the adjustment was solely due to unspent disaster funds. He further asked whether, given that each funding stream has its own requirements, the disaster funds could not have been utilised for disasters or mitigation measures that occurred in Kouga during the current financial year.

Cllr Mbandana referred to a 2022 incident where floodwaters entered the home of a resident, Mama Martini, requiring her to be lifted out through a window. He noted that engineers, including Mr Pieter Felix, had visited thereafter. He raised concern that stormwater flooding continues to affect black communities, yet disaster funds appear to be directed elsewhere. He questioned the criteria used to determine which disasters qualify for funding and expressed reluctance to support the item, stating that it does not address outstanding community challenges.

At 14:42 Cllr Foley raised a point of order rule 32. relevance, clarifying that the item relates specifically to the adjustment budget for disaster grants allocated by Department of Cooperative Governance and Traditional Affairs (COGTA), which must be spent on itemised projects already approved.

The Speaker responded that Cllr Mbandana may have misunderstood the report, emphasising that the projects under discussion are already approved and not new proposals.

Cllr Ruth explained that the funding relates to specific disasters for which applications were made and budgets approved. She acknowledged ongoing stormwater issues in communities but clarified that these are not classified as immediate disasters and must be addressed through the IDP and capital programmes. She added that while the Municipality is not perfect and many issues remain outstanding, the report is transparent in reallocating capital budgets and relates only to National Treasury-approved disaster items.

The Executive Mayor highlighted that the adjustment includes a specific allocation to provide electricity to residents of London in Ocean View, describing this as a major achievement. He expressed gratitude and noted that this decision represents a significant milestone for residents who have not previously had legal electricity connections. He further emphasised the importance of other allocations within the adjustment budget.

The CFO explained that the disaster grant was received in April 2025, requiring the municipality to apply for a rollover in line with COGTA and Treasury requirements. The rollover outcome was confirmed in November, and the adjustment budget now formally incorporates the approved rollover to bring the funds on board.

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Resolved (11 December 2025)

1. That the Executive Mayor recommends that the Council, by resolution taken by the majority of its full number, and in terms of Section 30(2) of the Local Government: Municipal Structures Act No. 117 of 1998 (as amended), read in conjunction with Section 28 of the Local Government: Finance Management Act, Act No 56 of 2003, approves the following adjustments budget for the 2025/26 financial year.

1.1 Rollover of the Municipal Disaster Recover Grant

PROJECT DESCRIPTION	Adjusted Budget 2024/25	Actuals as at 30 June 2025	Unspent as at 30 June 2025	Adjustments	Adjusted Budget 2025/26
Re-instatement of Sherley Street	1 608 696	69 377	1 539 319		1 539 319
Re-instatement of Mountain Road and upgrade of stormwater culvert	1 565 217	129 091	1 436 126	(521 739)	914 387
Re-instatement of Da Gama Road in the Kabeljous area and stormwater infrastructure re-instatement	1 086 957	37 997	1 048 960		1 048 960
George Road, Re-instatement of Embankment, Water & Stormwater network	782 609	29 217	753 392		753 392
Re-instatement of Phillip Street low level water crossing bridge	1 173 913	43 359	1 130 554	521 739	1 652 293
Sea Vista Access ring road damaged pavement layers	800 000	34 040	765 960		765 960
Re-instatement of Ketse Street and stormwater infrastructure	1 186 957	48 268	1 138 689		1 138 689
Re-instatement of Nanto Street and stormwater infrastructure	1 339 130	62 143	1 276 987		1 276 987
Re-instatement of Meyer Street and stormwater infrastructure	1 047 826	45 006	1 002 820		1 002 820
TOTAL	**10 591 305**	**498 498**	**10 092 807**	**-**	**10 092 807**

1.2 Adjustments on Internally Funded Capital Projects

Department	Project Description	Item Description	2025/26 Approved Budget	Actuals as at 24 November 2025 (Includes commitments)	Available Budget	Adjustments	Adjusted Budget 2025/26
ROADS AND STORMWATER	Seekoei Estuary Causeway		1 954 000	1 265 948	688 052	1 147 000	3 101 000
SEWERAGE	Hankey: Refurbishment of WWTW		2 388 083	159 000	2 229 083	(600 000)	1 788 083
WATER	Humansdorp: Groundwater Supply		547 000	-	547 000	(547 000)	-
ELECTRICITY	Battery Storage		25 000 000	22 135 565	2 864 435	(2 500 000)	22 500 000
ELECTRICITY	London 250 electrification	Materials and Supplies	-		-	1 600 000	1 600 000
ELECTRICITY	London 250 electrification	Contracted Services	-		-	900 000	900 000
			29 889 083	**23 560 514**	**6 328 569**	**-**	**29 889 083**

25/12/FED3 **SUPPLY CHAIN MANAGEMENT: S36 DEVIATIONS FOR THE MONTH: OCTOBER 2025**

Cllr van der Linde noted the report but stated that the Freedom Front Plus does not approve the deviations. He acknowledged that in some department's deviations may be necessary but reiterated that his party does not support the approval of the current deviations.

Cllr Mbandana indicated firmly that the ANC caucus also does not approve the deviations.

The Executive Mayor welcomed the report and commented that the meeting had become progressive. He noted that in previous years deviations would span several pages, whereas the current report reflects only seven deviations, covering approximately two and a half pages. He described this as a significant improvement in financial processes.

The Executive Mayor emphasised that deviations are not inherently wrong, as they are a legal supply chain process applied across Municipalities but acknowledged that concerns had been raised in the past regarding their frequency.

He commended the CFO, the Municipal Manager, and departmental staff for their efforts in improving planning and reducing the number of deviations, ensuring that deviations are only applied when critically important or urgent. He expressed appreciation to all directors for their work and indicated his support for the report.

The Speaker called for a vote as follows:

In favour: 17
Not in favour: 7
Abstain: 0

Resolved (11 December 2025)

1. That the Deviation report for the month of October 2025 be approved by Council

25/12/FED4 **ERF 4169 – HUMANSDORP SPEKBOOM COURT**

Cllr Zana raised concern about developers in Humansdorp, noting that the town's infrastructure is aging and that upfront payments, as required by the augmentation policy, could assist in strengthening Municipal infrastructure. He cautioned that allowing partial upfront payments may create a precedent where developers expect preference, potentially undermining municipal revenue and exposing Council to risks.

Cllr Mbandana supported these concerns, emphasising that Kouga Municipality is a developmental local government reliant on revenue

to uplift underdeveloped communities. He warned that creating wrong precedents would undermine control and reiterated that the ANC does not accept donations from developers.
The CFO explained that while full upfront payment remains the priority, National Treasury guidelines allow for leniency to promote development if Council approves deviations. He clarified that the current recommendation requires 50% payment upon signing and 12.5% before each of four phases, resulting in 62.5% being paid before construction begins. The CFO confirmed that controls are in place to ensure payments are received before subsequent phases commence.

Cllr Ruth clarified that the arrangement is not a discount, as the full development charge is still collected and ring-fenced for infrastructure. She explained that phased payments assist developers with cash flow and reduce the risk of stalled projects, particularly in Humansdorp where housing demand is high.

Cllr Zana responded that his concern was about precedent, not discounts, and acknowledged the CFO's explanation.

Cllr Mbandana echoed this view, stressing the need for guarantees and mechanisms to protect Council. He reiterated the ANC's position against donations from developers.

Cllr Ruth sought further clarity, noting that the item relates solely to payment terms and not donations. She emphasised that charges are determined scientifically by the development committee and referred transparently to Council for approval.

The Speaker confirmed that each case is considered on its merits by the committee before referral to Council.

Cllr Zana proposed that the matter be put to a vote, noting that the Speaker's explanation aligned with his concerns.

The CFO reiterated that no precedent is intended and that each case is treated individually. He cited examples where developers had agreed to pay 100% upfront, while in the current case phased payments were negotiated to secure 62.5% before commencement.

Cllr Mbandana concluded by warning that developers may exploit weaknesses in policy and reiterated the ANC's opposition to leniency that could undermine municipal control.

The Speaker called for a vote as follows:

In favour: 16
Not in favour: 9
Abstain: 1

Resolved (11 December 2025)

1. That 50% of the calculated development charges be due and payable on date of conclusion of the Engineering Services Agreement, with the remainder amount to be paid equally between the proposed phases at a percentage of 12.5% of the calculated development charges on or before date of submission of building plans in respect of the development phases.

2. That the Accounting Officer be authorized to enter into an appropriate Engineering Service Agreement in respect of the approved Development.

25/12/FED5 **ERF 3298 – HUMANSDORP SCHOOL ON R102: APPLICATION FOR EXEMPTION OF ENGINEERING SERVICES DEVELOPMENT CHARGES**

Cllr Ruth proposed an additional recommendation to clarify Recommendation 10.2, namely that the Accounting Officer be authorised to enter into an appropriate engineering service agreement in respect of the approved development, with authority to negotiate payment terms for the development charges. She emphasised that the developer's application for exemption should be rejected, with all fees remaining payable in full, subject only to negotiated payment periods.

The proposal was seconded by Councillor Stuurman.

Cllr Zana expressed support, noting that the recommendation would ensure that services are paid to the municipality and contribute positively to infrastructure development.

The Executive Mayor indicated full agreement, stressing that development charges are critical to Kouga Municipality and cannot be waived, particularly in view of the severe infrastructure challenges in Humansdorp relating to electricity and water. He supported Councillor Ruth's proposal, noting that while payment terms could be negotiated over time depending on infrastructure needs, the charges must remain payable in full.

Cllr Mbandana raised an objection, arguing that the matter relates to Intergovernmental relations between the Department of Education and Kouga Municipality. He cautioned that the development was for the benefit of the community and schools in Humansdorp, and that Council should proceed carefully.

The Executive Mayor stated that the development in question is a private school funded by the Kouga Wind Farm, not a government school, and therefore not an intergovernmental relations matter. He stated that the Department of Education may be involved at a later stage but is not funding the project and reiterated that Cllr Mbandana's objection was not relevant to the item.

Cllr Zana reaffirmed his support for the item, clarifying that while the Department of Education is the custodian of education, the concern raised was about ensuring proper engagement in future. He

acknowledged the Executive Mayor's explanation and noted the ongoing need for additional schools in Humansdorp.

The Speaker called for vote on the ERF 3298 – Humansdorp school on R102: application for exemption of engineering services development charges:

In favour:16
Not in favour: 8
Abstain: 0

Resolved (11 December 2025)

1. That the recommendation be added to the current to the current item and therefore the motion with the added recommendation carries.

2. That the Municipal Manager be authorized to negotiate payment terms for the development charges, with the requirement that all applicable fees must be paid in full, subject only to the Municipal Manager's discretion to determine the period over which such payments may be made.

Proposed: Cllr Ruth Seconded: Cllr Stuurman

18.2 **REPORTS BY THE CHAIRPERSON: PLANNING & DEVELOPMENT SERVICES**

25/12/PD1 REQUEST FOR COUNCIL'S AUTHORISATION TO ADVERTISE AN IN-PRINCIPLE APPROVAL FOR THE ALIENATION (SALE) OF ERF 4298, HUMANSDORP (AN UNREGISTERED PORTION OF ERF 499, HUMANSDORP)

Resolved (11 December 2025)

1. That Council **grant in-principle approval** to alienate Erf 4298, Humansdorp (an unregistered portion of Erf 499, Humansdorp) to Eskom to construct a Battery Energy Storage Systems (Bess).

2. That Council grant authorization to the Accounting Officer to advertise Council's intention to alienate the property to Eskom.

3. The Council confirms that the immovable properties contemplated herein are not needed for the provision of the minimum level of basic Municipal services.

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

25/12/PD2 REVIEW OF JEFFREYS BAY CENTRAL BUSINESS DISTRICT LOCAL SPATIAL DEVELOPMENT FRAMEWORK, 2024

Cllr Mbandana indicated support for any review of the Special Development Framework (SDF). He noted that precinct development plans for Hankey and Humansdorp had not progressed, and that St Francis Bay, Patensie and other towns were not included. He proposed that a holistic approach be adopted to ensure development planning across all towns in Kouga.

The Director: Planning & Development explained that not all frameworks had been approved. He reported that the Municipal Special Development Framework (MSDF) had recently been brought to Council for public participation, and that draft Local Spatial Development Framework (LSDFs) for Hankey and St Francis were on hold pending alignment with the MSDF. He cautioned that adopting them prematurely would require restarting the process if amendments were later needed.

He further noted urgency in respect of the Humansdorp LSDF due to parking challenges in the Jeffreys Bay Central Business District, which were preventing property owners from complying with building plan requirements.

He emphasised the importance of commencing the process immediately, including gazetting public participation, and confirmed that comments on the MSDF were being addressed with a final advertisement anticipated before submission to Council for approval. Once approved, all LSDFs could be brought to Council for adoption, either together or sequentially, ensuring alignment across towns.

Resolved (11 December 2025)

1. That the permission be granted to review the Jeffreys Bay Central Business District Local Spatial Development Framework, 2021.

2. That the Council approves the establishment of a Project Committee, comprising of the following persons:

   i. The Municipal Manager
   ii. Manager: Legal Services (or representative)
   iii. Director: Planning & Development (or representative)
   iv. Director: Civil & Water Services (or representative)
   v. Director: Community Services (or representative)
   vi. Director: Electro-Mechanic Services (or representative)
   vii. Environmental Officer
   viii. Other members to be co-opted as needed.

25/12/PD3 **REQUEST FOR COUNCIL'S IN-PRINCIPLE APPROVAL FOR THE ALIENATION (SALE) OF A PORTIONON ERF 499, HUMANSDORP**

Cllr Zana stated that the ANC was in support of the item.

Resolved (11 December 2025)

1. That Council **grant in-principle approval** for the alienation (sale) of a portion of Erf 499, Humansdorp to CD Freight Logistics (Pty) Ltd.

2. That Council grant authorization to the Accounting Officer to advertise Council's intention to alienate the property by way of a sale.

3. The Council confirms that the immovable property contemplated herein is not needed for the provision of the minimum level of basic municipal services.

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

25/12/PD4 **REQUEST FOR COUNCIL TO WAIVE PENALTIES IMPOSED FOR UNAUTHORISED BUILDING WORKS**

Cllr van der Linde expressed appreciation to the Executive Mayor and Director: Planning and Development for their efforts in introducing the amnesty. He noted that he had engaged with the Director in meetings on the matter and conveyed thanks to all role players. He stated that residents would welcome the amnesty over the coming year.

Resolved (11 December 2025)

1. That Council approves amnesty exempting penalties on building plans containing historic unauthorized structures for a period of 11 months, from 1 February 2026 until 15 December 2026.

2. That all amnesty applications be submitted together with building plans and all other documentation as per standard operating procedure.
3. That the normal building plan application fees be applicable and be paid before any approval.

4. The proposed period for exemption determined by the Council be published in the local newspaper to inform all residents of the waiver period for penalties.

5. That applications for construction work undertaken from 01 January 2025not be considered during this amnesty period.

25/12/PD5 **REQUEST FOR COUNCIL'S APPROVAL FOR THE CLOSURE, SUBDIVISION, CONSOLIDATION AND REZONING OF A PORTION OF ERF 1 HUMANSDORP AND A PORTION OF ERF 499, HUMANSDORP**

Item withdrawn.

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

25/12/CSS1 **APPROVAL OF SUSTAINABLE DEVELOPMENT GOALS (SDGS) IMPLEMENTATION FRAMEWORK**

Cllr Zana welcomed the report and enquired about the constitution of the proposed Sustainable Development Goals (SDG) steering committee. He emphasised the importance of the issues raised by the SDGs and expressed satisfaction that they would be streamlined into the Municipality's Integrated Development Plan (IDP). He noted that the IDP 2022–2027 had already been adopted and stressed the need to integrate UN-supported goals into municipal functions and operations.

The Executive Mayor agreed with Cllr Zana's remarks and highlighted the importance of the initiative. He reported that the Municipality had engaged with South African Local Government Association (SALGA) on several occasions and was now part of a specific programme in partnership with SALGA to assist with SDG framework development.

He explained that the steering committee would, at this stage, be administrative in nature, focusing on reporting and compiling information into a framework for Council adoption and implementation. He emphasised the need for alignment with the IDP, Key Performance Area (KPA)s and departmental objectives, noting that the framework would unlock significant opportunities for the Municipality.

The Executive Mayor expressed gratitude to the administration for its work to date and confirmed that he would personally monitor progress.

. **Resolved (11 December 2025)**

1. That Council approves adoption and implementation of the Sustainable Development Goals (SDGs) Framework to integrate into municipal planning, budgeting, service delivery, and monitoring.

2. That Council authorizes the Municipal Manager to oversee the rollout and monitoring of the framework.

3. That Council approves the establishment of an SDG Steering Committee.

25/12/CSS2 **CLOSE-OUT REPORT – DISASTER MANAGEMENT EDUCATIONAL EXCURSION TO THAILAND**

Cllr Zana welcomed the report and noted appreciation for the accountability shown regarding the excursion to Thailand. He highlighted that Kouga faces high-risk areas, particularly St Francis Bay where land is eroding into the ocean and referred to serious fires affecting Kouga and its wildlife. He encouraged Council to incorporate the lessons learned by officials during the excursion into disaster detection and management planning for the municipality.

. **Resolved (11 December 2025)**

1. That Council notes the close-out report on the Disaster Management Educational Excursion to Thailand.

2. That Council supports the integration of lessons learned into Municipal disaster management strategies, including early warning systems, community volunteer networks, and urban resilience planning.

At 15h48, the Speaker indicated that Council will now move to the Supplementary agenda

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

25/12/EMS1 **REQUEST FOR COUNCIL'S AUTHORISATION TO PROVIDE SECURITY – ESKOM AGREEMENT**

Resolved (11 December 2025)

1. That the Municipal Council, in term of the provisions of Section 48 of the Local Government: Municipal Finance Management Act, 56 of 2003 approve the provision of security in favour of ESKOM in respect of the ESKOM Budget Quote, and in respect of the Security/Electricity Accounts Guarantee in the amount of R4519 000.

2. That the Municipal Council approve that an investment account held at ABSA, shall be ceded to ABSA to service the Bank Guarantee, to the maximum amount of R4 519 000.

3. That the Accounting Officer be authorized to apply for a Guarantee facility from the current Bank Services Provider – ABSA, and to conclude any agreements and documentation incidental to such application and further required post approval of such application.

4. That the Municipal Council confirms that the provisions of Section 48(3) is not applicable as no asset or right, required for the provision of the minimum level of basic municipals services is being offered as a form of security.

MOTION OF EXIGENCY

IMMEDIATE WITHDRAWAL OF MUNICIPAL FUNDING FOR SECURITY AND MEDICAL EXPENSES OF CLLR ALEXANDER FOLLOWING THE CONVICTION AND SENTENCING THE PERPETRATOR

Cllr Zana submitted a Motion of Exigency in terms of Rule 30, noting awareness of amendments to the rule. The Speaker called for support on the tabling of the motion.

Cllr Ndzelani supported the motion.

At 15h52, Ald Benson requested a 10-minute caucus break.

The Speaker granted the requested for a 10minute caucus.

Upon return at 16:01, Ald Benson objected to the motion, stating that the individual concerned was not the shooter but had gathered information, and that the shooters remained at large. He argued that support and protection should not be withdrawn while the case was ongoing.

Cllr Nkilishane indicated that the EFF supported the motion from Cllr Zana. He reminded the Speaker that the EFF had written to her on 6 October 2025 in terms of Rule 39, requesting information on expenditure and arrangements regarding the protection, security, and medical support of Cllr Alexander. He noted that the matter had not appeared on the agenda and that no response had been received.

The Speaker responded that the item referred to by Cllr Nkilishane still needed to come to Council, as she had sent it back to the administration for additional information after expressing dissatisfaction with the report.

Cllr August supported the objection raised by Ald Benson, opposing the motion of exigency.

The Speaker called for a vote on the motion of exigence raised by Cllr Zana

In favour: 8
Not in favour: 18
Abstain: 0

Resolved (11 December 2025)

1. That the motion of exigency does not carry.

19. **CLOSURE**

The meeting closed at 16h08



L MAREE **DATE** 04/03/2026
SPEAKER