ORDINARY COUNCIL MEETING

OPEN SUPPLEMENTARY



KOUGA local municipality

Service Excellence through Good Governance

DATE: 25 June 2026

TIME: 10:00

VENUE: Virtual

KOUGA MUNICIPALITY (EC108)	UMASIPALA I-KOUGA (EC108)	MUNISIPALITEIT KOUGA (OK108)
NOTICE CONVENING A MEETING	**ISAZISO NGENTLANGANISO**	**KENNISGEWING VAN VERGADERING**
NOTICE IS HEREBY GIVEN that 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	**ISAZISO** sikhutshiwe ukuba ngokwe Candelo-19 uMthetho weeNkqubo zikaMasipala, (uMthetho 32 ka-2000), ukuba kubanjwe intlanganiso ebonakalayo yesigqeba Ye khansile	**KENNIS GESKIED HIERMEE** dat ingevolge Artikel 19 van die Wet op Munisipale Stelsels, 2000 (Wet No.32 of 2000), dat 'n virtuele raadsvergadering gehou sal word op
DATE: 25 June 2026	**UMHLA: 25 Isilimela 2026**	**DATUM: 25 Junie 2026**
TIME: 10:00	**IXESHA: 10:00**	**TYD: 10:00**
L. MAREE **SPEAKER**	**L. MAREE** **USOMLOMO**	**L. MAREE** **SPEAKER**

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 29 April 2026 No.5631 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.

SUPPLEMENTARY A G E N D A

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

26/06/DMM2 Amended Institutional Calendar

Pages: 6 - 8

26/06/DMM3 Authorization for Declaration of a Formal Dispute on Lack of Services Delivery in Respect of Provincial Road Network - Eastern Cape Department of Transport

Pages: 9 - 16

24. **CLOSURE**

Distribution list:

Executive Mayor
Deputy Executive Mayor
Speaker
All Councillors
Municipal Manager
All Directors
Relevant Managers
Committee Services

REPORTS OF COMMITTEES OF COUNCIL

KOUGA
local municipality
Service Excellence through Good Governance

REPORTS BY THE OFFICE OF THE DEPUTY MUNICIPAL MANAGER

KOUGA
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AMENDED INSTITUTIONAL CALENDAR

1. **Introduction**

The purpose of this item is to request the Council to consider the proposed amendments to the institutional calendar for the 2026/2027 Financial Year.

2. **Background**

The Institutional calendar was approved by Council on the 29 April 2026. Resolution 26/04/DMM1 attached hereto:

26/04/DMM1 DRAFT INSTITUTIONAL CALENDAR

Resolved (29 April 2026)

1. That the Institutional Calendar be approved by Council.

3. **Discussion**

The calendar has been amended for the 2026/2027 financial year. The proposed amended institutional calendar is attached hereto as Annexure A.

4. **Financial Implications**

Not applicable

5. **Applicable Legislation**

Local Government: Municipal Structures Act No. 117 of 1998, as amended.
Kouga Municipality: Standing Rules & Order, as approved by Council.

6. **Legal Implications**

Should Council approve the recommendation, the Institutional Calendar will be amended and implemented accordingly.

7. **Other Implications**

None

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Report noted

8.2 **Director: Planning & Development**

Noted

8.3 **Director: Civil & Water Services**

Noted

8.4 **Director: Electro-Mechanical Services**

Item noted

8.5 **Director: Community Service**

Noted

8.6 **Deputy Municipal Manager**

Item noted

8.7 **Municipal Manager**

Supported.

9. **Delegated Authority**

Council

10. **Recommendations**

10.1 That the Institutional Calendar, as amended be approved by Council.

Item prepared by the: Manager: Administration & Auxiliary Services

Item approved by the: Deputy Municipal Manager

Item endorsed by the: Municipal Manager

Item noted by Portfolio Chairperson:

Date	Jul 2026	Aug 2026	Sep-26	Oct-26	Nov 2026	Dec-26	Jan-27	Feb-27	Mar-27	Apr-27	May-27	Jun-27
1							PH				PH	PF
2								PF				PF
3								PF	PW			
4												
5											B&P	
6												
7										PF		
8						KAC				PF		
9								B&P				MC
10		PH						MC	M&E			B&P
11						OCM						
12												
13							M&E					
14										MC		
15				KAC					B&P			M&E
16						PH		MPAC				PH
17												
18												
19											PW	
20							PW					
21										PW		
22									PH			
23												KAC
24			PH						MPAC			
25						PH			KAC			
26							MPAC		PH		MPAC	
27										PH		
28							OCM				OCM	
29			OCM						PH			
30									OCM			OCM
31												

Abbreviations

- PF - Portfolio
- OCM - Ordinary Council
- MPAC
- MC - Mayoral Committee
- KAC - Kouga Audit Committee
- B&P By-laws Policies & Committee
- M&E - Monitoring & Evaluation Committee
- PW - Policy Workshop
- PH - Public Holiday

AUTHORIZATION FOR DECLARATION OF A FORMAL DISPUTE ON LACK OF SERVICES DELIVERY IN RESPECT OF PROVINCIAL ROAD NETWORK - EASTERN CAPE DEPARTMENT OF TRANSPORT

1. **Introduction**

The Intergovernmental Relations Framework Act No. 13 of 2005 (the IGR Act), provides for a framework for national government, provincial government, local governments, and all organs of state within these governments, to facilitate co-ordination in the implementation of policies and legislation, which includes coherent government, effective provision of services, monitoring implementation of policy and legislation and realisation of national priorities.

In line with this framework and due to the long ongoing engagements with the Eastern Cape Department of Transport, the Executive Mayor, following the recent floods within the Kouga Municipal area, proceeded to declare a dispute herein.

The purpose of this item is to inform the Council of the dispute declared and obtain Council's condonation for the commencement of the legislative process. Attached is a copy of the communication, and marked as **Annexure A**.

2. **Background**

The Kouga Municipality, has on numerous occasions approached, engaged with, and communicated with the Department of Transport regarding the conditions of the provincial roads situated within the Kouga Municipal boundaries. These boundaries cover the towns of Jeffreys Bay, Humansdorp, St Francis Bay, Oester Bay, Patensie, Loerie, Hankey, Thornhill, and Cape St Francis.

The maintenance off the provincial roads within the Kouga Municipal area is poorly maintained, and no immediate plans are in place for the upgrading of the existing roads. A number of these roads forms an integral part of the road network used by residents, visitors, and tourist, and of course as connecting roads between the towns, which are used for daily commute to businesses, employment, and tourist attractions.

The current conditions on the roads are considered life threatening and same has been worsened by the flood disasters experienced in the Kouga Municipal areas in the last May and June 2026.

The recent flood experienced between 3 – 6 June 2026 caused a sink hole on the provincial road, R102, which road serves as a vital alternative parallel to the N2 connecting Humansdorp and Jeffreys Bay and is used on a daily basis for commute. Notwithstanding having been informed of the status quo of the

road, the Department failed to attend to the critical repair works required to this road. As such traffic flow must be redirected through a residential area, which increases traffic volumes in the residential area and places unwarranted wear on the identified road.

As far back as April/ May 2024 the Kouga Municipality submitted a written application to the Department of Transport, Eastern Cape, for the transfer of certain provincial roads to the Kouga Municipality, to have the Provincial Roads further mentioned herein and falling within the Kouga Municipal area, altered, in line with the provisions of Section 17 and/or transferred in line with the provisions of Section 4 of the Eastern Cape Roads Act No 3 of 2003. These roads included Da Gama Road Jeffreys Bay, St Francis Drive Jeffreys Bay, Voortrekker Street Humansdorp and Woltemade Street Jeffreys Bay.

On 30 December 2024 the office of the Executive Mayor addressed to the Honourable MEC for Transport and Community Safety – MEC Xolile Nqatha, requesting the de-proclamation of Humansdorp Main Road (Park Street to Voortrekker Street), Immergroen Road Paradise Beach, Felix Road Oyster Bay an St Francis Way in Cape St Francis, in order for the Municipality to attend to the required maintenance and improvement of the roads.

On 14 May 2026, a virtual meeting was held with the Department of Transport to address the need of support, intervention, and cooperation in respect of provincial roads.

On 4 June 2026, the Kouga Municipality submitted an urgent request to the Department of Transport, Eastern Cape, for provincial intervention and roads warning signage for the flood damaged roads and closures of affected roads.

3 **Discussions**

The Municipal Council is required to consider the condonation of the conduct of the Executive Mayor in respect of the declaration of a formal dispute with the Eastern Cape Department of Transport, specifically for the lack of service delivery on provincial roads situated within the Kouga Municipal area.

The Kouga Municipality submits that the Department of Transport has failed and/or refused to provide service delivery to the Kouga Municipal area in respect of its existing road networks and infrastructure situated within the Kouga Municipal boundaries.

The Department of Roads holds a statutory and constitutional duty to plan, design, construct and maintain all provincial roads. Road maintenance has to be performed on a continuous basis to avoid deterioration that leads to the higher costs of rehabilitating a road. Regular planned maintenance is crucial to ensure that roads are serviceable and can address rising demand, which, in turn, makes the costs of maintenance escalate.
Schedule 5, Part A of the Constitution of the Republic of South Africa, 1996, provides that the provincial roads and traffic is a functional area of exclusive provincial competence and as thus the development, maintenance, repair, and upgrade of such road networks and road infrastructure is the sole responsibility of the Department Transport, Eastern Cape, as far as it relates to the boundaries of the Eastern Cape.

It is our submission that the department has:

1. *failed in your duty of care, in failing to maintain the provincial roads within the Kouga Municipal area and ensuring that the roads are reasonably safe for public use.*

2. *failed to ensure that the road infrastructure does not violate the constitutional right to basic services, safety, and economic access.*

4. **Financial Implications**

Not applicable

5. **Applicable Legislation**

Intergovernmental Relations Framework Act No. 13 of 2005 (the IGR Act)

Chapter 4 of the IGR Act prescribes the settlement of intergovernmental disputes requires, in terms of section 41 of the Act, that an organ of state that is a party to an intergovernmental dispute with another organ of state, may declare the dispute a formal intergovernmental dispute by notifying the other party of such declaration in writing.

Section 42 of the IGR Act, a mandatory initial meeting must be convened, following the declaration of this dispute.

6. **Legal Implications**

Should the Council approve the recommendations below, the Executive Mayor will be authorized to declare a formal dispute with the Eastern Cape Department of Transport.

7. **Other Implications**

In terms of Section 42 of the IGR Act, a mandatory initial meeting must be convened, following the declaration of this dispute.

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Not applicable

8.2 **Director: Planning & Development**

Not applicable

8.3 **Director: Civil & Water Services**

Not applicable

8.4 **Director: Electro-Mechanical Services**

Not applicable

8.5 **Director: Community Services**

Not applicable

8.6 **Deputy Municipal Manager**

Item noted

8.7 **Municipal Manager**

Item noted

9. **Delegated Authority**

Council.

10. **Recommendations**

10.1 That the Council takes note of the formal Dispute Declared with the Eastern Cape Department of Transport, by the Executive Mayor.

10.2 That the Council condone the submission of the formal dispute declared by the Executive Mayor with the Eastern Cape Department of Transport, specifically for the lack of service delivery on provincial roads situated within the Kouga Municipal area.

10.3 That the Executive Mayor be granted authorization to attend to all legislative and incidental processes in respect of the dispute so declared.

Item prepared by the: Manager: Legal Services

Item approved by the: Deputy Municipal Manager

Item endorsed by the Municipal Manager:

KOUGA local municipality
Good Governance through Service Excellence

UITVOERENDE BURGERMEESTER
EXECUTIVE MAYOR
OYINTLOKO KASODOLOPHU
KOUGA MUNISIPALITEIT | KOUGA MUNICIPALITY | KOUGA MASIPALA

EASTERN CAPE DEPARTMENT OF TRANSPORT

32 Cowan Close

Flemming Street

Stelenbosch Park

Schonville

King Williams Town

For attention: The Honourable MEC – Mr Xolile Nqatha

And to: PROVINCE OF THE EASTERN CAPE DEPARTMENT COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

Tyamzashe Building

Civic Square

Bisho

5605

For attention: MEC Williams

17 June 2026

Dear MEC Nqatha

IN RE: DECLARATION OF A FORMAL DISPUTE ON LACK OF SERVICES DELIVERY IN RESPECT OF PROVINCIAL ROAD NETWORK

KOUGA MUNICIPALITY (EC108) / THE MEC – EASTERN CAPE DEPARTMENT OF TRANSPORT

THE PARTIES

The Kouga Municipality is a local municipality, registered as EC108, falling withing the boundaries of the Sarah Baartman District Municipality, and deemed and Organ of State.

The Member of the Executive Council for the Eastern Cape Department of Transport.

INTRODUCTION

The Intergovernmental Relations Framework Act No. 13 of 2005 (the IGR Act), provides for a framework for national government, provincial government, local governments, and all organs of state within these governments, to facilitate co-ordination in the implementation of Policies and legislation, which includes coherent government, effective provision of services, monitoring implementation of policy and legislation and realisation of national priorities.

Chapter 4 of the IGR Act prescribes the settlement of intergovernmental disputes requires, in terms of section 41 of the Act, that an organ of state that an organ of state that is a party to an intergovernmental dispute with another organ of state, may declare the dispute a formal intergovernmental dispute by notifying the other party of such declaration in writing.

BACKGROUND

In compliance with Sections 40 and 41(2) of the Act, the Kouga Municipality states the following:

The Kouga Municipality, has on numerous occasions approached, engaged with, and communicated with the Department of Transport regarding the conditions of the provincial roads situated within the Kouga Municipal Boundaries. These boundaries cover the towns of Jeffreys Bay, Humansdorp, St Francis Bay, Oester Bay, Patensie, Loerie, Hankey, Thornhill, and Cape St Francis.

The maintenance off the provincial roads within the Kouga Municipal area is poorly maintained, and no immediate plans are in place for the upgrading of the existing roads. A number of these roads forms an integral part of the road network used by residents, visitors, and tourist, and of course as connecting roads between the towns, which are used for daily commute to businesses, employment, and tourist attractions.

The current conditions on the roads are considered life threatening, and same has been worsened by the flood disasters experienced in the Kouga Municipal areas in the last May and June 2026.

The recent flood experienced between 3 – 6 June 2026 caused a sinkhole on the provincial road, R102, which road serves as a vital alternative parallel to the N2 connecting Humansdorp and Jeffreys Bay and is used on a daily basis for commute. Notwithstanding having been informed of the status quo of the road, the Department failed to attend to the critical repair works required to this road. As such traffic flow must be redirected through a residential area, which increases traffic volumes in the residential area and places unwarranted wear on the identified road.

As far back as April/ May 2024 the Kouga Municipality submitted a written application to the Department of Transport, Eastern Cape, for the transfer of certain provincial roads to the Kouga Municipality, to have the Provincial Roads further mentioned herein and falling within the Kouga

Municipal area, altered, in line with the provisions of Section 17 and/or transferred in line with the provisions of Section 4 of the Eastern Cape Roads Act No 3 of 2003. These roads included Da Gama Road Jeffreys Bay, St Francis Drive Jeffreys Bay, Voortrekker Street Humansdorp and Woltemade Street Jeffreys Bay.

On 24 December 2024 the office of the Executive Mayor addressed to the Hounourable MEC for Transport and Community Safety – MEC Xolile Nqatha, requesting the de-proclamation of Humansdorp Main Road (Park Street to Voortrekker Street), Immergroen Road Paradise Beach, Felix Road Oyster Bay an St Francis Way in Cape St Francis, in order for the municipality to attend to the required maintenance and improvement of the roads.

Numerous engagements were also undertaken at both administrative and political levels to raise concerns and inform the department about the deteriorating condition of provincial roads throughout the municipality.

THE DISPUTE

The Kouga Municipality submits that the Department of Transport has failed and/or refused to provide service delivery to the Kouga Municipal area in respect of its existing road networks and infrastructure situated within the Kouga Municipal boundaries.

The Department of Roads holds a statutory and constitutional duty to plan, design, construct and maintain all provincial roads. Road maintenance has to be performed on a continuous basis to avoid deterioration that leads to the higher costs of rehabilitating a road. Regular planned maintenance is crucial to ensure that roads are serviceable and can address rising demand, which, in turn, makes the costs of maintenance escalate.

Schedule 5, Part A of the Constitution of the Republic of South Africa, 1996, provides that the provincial roads and traffic is a functional area of exclusive provincial competence and as thus the development, maintenance, repair, and upgrade of such road networks and road infrastructure is the sole responsibility of the Department Transport, Eastern Cape, as far as it relates to the boundaries of the Eastern Cape.

It is our submission that the department has:

1. failed in your duty of care, in failing to maintain the provincial roads within the Kouga Municipal area and ensuring that the roads are reasonably safe for public use.

2. failed to ensure that the road infrastructure does not violate the constitutional right to basic services, safety, and economic access.

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KOUGA MUNISIPALITEIT | KOUGA MUNICIPALITY | KOUGA MASIPALA

CONCLUSION

Regrettably, as all reasonable efforts to settle this matter has been exhausted, and therefore we hereby officially declare this a formal intergovernmental dispute.

The municipality and residents have, on numerous occasions, taken it upon themselves to undertake basic maintenance on provincial roads in an effort to improve safety and accessibility.

However, it is neither sustainable nor feasible for the municipality to assume the responsibilities of the province while simultaneously maintaining its own road network with limited financial and operational resources.

A detailed list of the affected provincial roads can be made available and discussed at our next engagement.

The Kouga Municipality, in terms of Section 42 of the IGR Act, request that the mandatory initial meeting be convened, following the declaration of this dispute. We await confirmation of your soonest availability to convene the mandatory meeting herein.

We look forward to your urgent acknowledgment of this declaration and your cooperation in resolving this matter expeditiously to ensure continued service delivery.



Yours sincerely,

Cllr Hattingh Bornman

Executive Mayor

Kouga Municipality