



SUPPLEMENTARY AGENDA

SPECIAL COUNCIL MEETING

Tuesday, 25 August 2026

**At
9:00**

ITEM NO	SUBJECT	PAGE
6.	NEW MATTERS SUBMITTED BY THE ACTING MUNICIPAL MANAGER	
6.5	REPORT ON THE HIGH COURT ORDER BY AGREEMENT IN THE MATTER OF MEC FOR LOCAL GOVERNMENT AND THE KNYSNA MUNICIPALITY AND OTHERS	2
8.	<u>ADJOURNMENT</u>	7

6. NEW MATTERS SUBMITTED BY THE ACTING MUNICIPAL MANAGER

6.5

SC05/08/26 REPORT ON THE HIGH COURT ORDER BY AGREEMENT IN THE MATTER OF MEC FOR LOCAL GOVERNMENT AND THE KNYSNA MUNICIPALITY AND OTHERS

REPORT FROM THE EXECUTIVE MAYOR

PURPOSE OF THE REPORT

The purpose of the report is to table before Council the High Court Order obtained by agreement between the parties in the matter between the MEC for Local Government Western Cape and the Knysna Municipality and Others under case number 2026-196199.

LEGAL IMPLICATIONS

Section 54A(2A)(b) of the Municipal Systems Act dictates that Council may, special circumstances and on good cause shown, apply in writing to the MEC for local government to extend the period of an acting municipal manager, for a further period that does not exceed three months.

The High Court by agreement between the parties declared the decision of Council on 7 August 2026, to appoint Mr BM Ngubo as acting municipal manager, for a further period of three months, unlawful and invalid with effect from 27 August 2026.

The order establishes a legally binding roadmap for the MEC for local government whether or not to give concurrence the request to extend the appointment of Mr Ngubo for a further final period of three months, on or before close of business on 27 August 2026.

The order has prospective effect from 27 August 2026 and therefore shall not nullify any decisions taken by Mr Ngubo in his capacity as acting municipal manager before 27 August 2026.

FINANCIAL IMPLICATIONS

The legal costs in the matter stands over for later determination.

RECOMMENDATION

- [a] That the report on the High Court order dated 20 August 2026 by agreement between the Western Cape Provincial Minister for Local Government and the Knysna Municipality regarding the appointment of Mr Boy Ngubo, be noted.
- [b] That Council takes cognizance of the terms of the order of court, specifically the timelines stipulated for the MEC to make a formal decision regarding concurrence or non-concurrence.
- [c] That should the MEC formally refuse concurrence based on pending investigations or suitability profiles, a Special Council Meeting must be convened on receipt of such notice

to consider the legal options, administrative continuity, and alternative acting deployment.

APPENDIX / ADDENDUM

Annexure A: High Court order under case number: 2026-196199

File Number: 9/1/2/14

Execution: Acting Director: Corporate Services

IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)

XI
20 Aug 2026
Amc

At Cape Town, on 20 August 2026
Before the Honourable Ms Justice Mangcu-Lockwood

Case No: 2026-196199

In the matter between:

**WESTERN CAPE PROVINCIAL MINISTER OF
LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS
AND DEVELOPMENT PLANNING**

Applicant

and

THE KNYSNA MUNICIPALITY

First Respondent

THE SPEAKER OF THE KNYSNA MUNICIPAL COUNCIL

Second Respondent

**THE ACTING MUNICIPAL MANAGER OF THE KNYSNA
MUNICIPALITY: BOY MANQOBA NGUBO**

Third Respondent

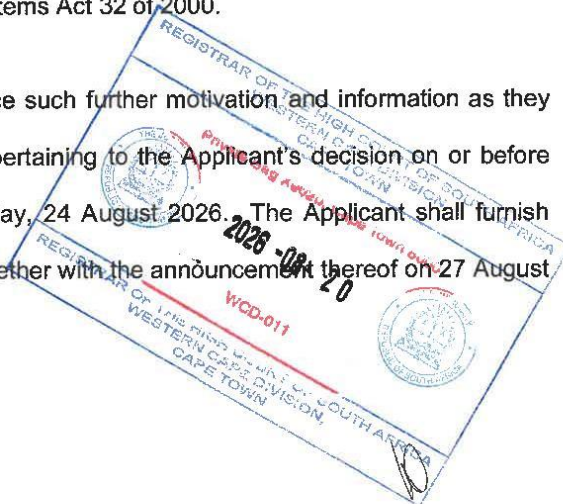
Amc
DRAFT ORDER

**BY AGREEMENT BETWEEN THE PARTIES (THIRD RESPONDENT NOT
OPPOSING), IT IS ORDERED THAT:**

1. It is declared that the decision of First Respondent's Council, taken on 7 August 2026, to appoint the Third Respondent as acting municipal manager, for a further period of 3 months, is unlawful and invalid with effect from 27 August 2026.



2. The order granted in paragraph 1 above:
 - 2.1 Shall have prospective effect from 27 August 2026 and thus not affect the validity of decisions taken by the Third Respondent in his capacity as acting municipal manager before 27 August 2026.
 - 2.2 Does not affect the rights of any person/party who wishes to challenge a decision, contract and/or appointment made or taken by the Third Respondent in his capacity as Acting Municipal Manager on grounds other than the invalidity of his appointment.
3. The Applicant will decide on whether or not to approve the request of First Respondent's Council on 14 July 2026 to extend Third Respondent's appointment as acting municipal manager with effect from 8 August 2026 for a further and final period of three months, on or before close of business on 27 August 2026. It is recorded that the Applicant is not precluded from deciding the request for extension by virtue of any provision of section 54A of the Local Government: Municipal Systems Act 32 of 2000.
4. The Respondents may place such further motivation and information as they wish before the Applicant pertaining to the Applicant's decision on or before close of business on Monday, 24 August 2026. The Applicant shall furnish reasons for his decision together with the announcement thereof on 27 August 2026.



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5. Costs shall stand over for later determination.



8. Adjournment

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