



# **AGENDA**

**Wednesday, 15 April 2020**

## **Post-Election Council Meeting**

**I hereby give notice that a Special Meeting of Council will be held on:**

**Date: Wednesday, 15 April 2020**

**Time: 9:00am**

**Location: Council Chambers**

**Peter Franks**  
**Chief Executive Officer**



**Order Of Business**

<b>1</b>	<b>Members in Attendance .....</b>	<b>5</b>
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**1 MEMBERS IN ATTENDANCE**

**2 APOLOGIES/LEAVE OF ABSENCE/ABSENCE ON COUNCIL BUSINESS**



### 3 CORPORATE AND COMMUNITY SERVICES

#### 7.1 APPOINTMENT OF DEPUTY MAYOR

**Date Prepared:** 6 April 2020

**Author:** Manager Development and Governance

**Attachments:** Nil

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#### EXECUTIVE SUMMARY

Section 175 of the *Local Government Act 2009* (the Act) requires Council to appoint a Deputy Mayor from the group of Councillors (other than the Mayor) at its post-election meeting.

#### RECOMMENDATION

That Cr <Insert Name> be appointed as Deputy Mayor.

#### BACKGROUND

The Act is silent on the process for the appointment of the Deputy Mayor. The process for making the appointment is therefore usually agreed by Councillors and lead by the Mayor.

While the *Local Government Regulations 2012* requires that voting must be open, the Department of Local Government, Racing and Multicultural Affairs indicate that a secret ballot is one method of determining the appointment of a Deputy Mayor where two or more nominations are received for that position. Alternatively, each nomination can be dealt with individually and voted upon by Council until successful nominee emerges.

#### LINK TO CORPORATE PLAN

**Governance:** Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community.





**7.2 FIXING OF DAYS AND TIMES FOR HOLDING OF ORDINARY MEETINGS**

**Date Prepared:** 6 April 2020

**Author:** Manager Development and Governance

**Attachments:** Nil

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**EXECUTIVE SUMMARY**

Section 257 of the *Local Government Regulation 2012* (the Regulations) requires local government to meet at least once in each month, at one of its public offices (unless otherwise decided by resolution of Council).

**RECOMMENDATION**

That:

1. Ordinary meetings of the Council be held third Wednesday of each Month at 9:00 am unless otherwise determined by Council.
2. Unless otherwise determined by Council, all Ordinary meetings are held at the Council Chambers, Rankin Street, Mareeba.
3. Details of the Ordinary meeting schedule for 2020 be published in the local newspaper, on the Mareeba Shire Council website and posted in Rankin Street Council Chambers.

**BACKGROUND**

Section 257 of the Regulations requires local government to meet at least once in each month, at one of its public offices (unless otherwise decided by resolution of Council).

Section 274 of the Regulations states that Council meetings must be held in public unless Council, has by resolution, decided that the meeting should be closed under section 275 when discussing:

- a) the appointment, dismissal or discipline of employees; or
- b) industrial matters affecting employees; or
- c) the local government's budget; or
- d) rating concessions; or
- e) contracts proposed to be made by it; or
- f) starting or defending legal proceedings involving the local government; or
- g) any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act; or
- h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else or enable a person to gain a financial advantage.

During the current COVID-19 pandemic it may not be practical for health reasons for the public to come into a Council's public office or to listen or observe council meetings.

Where this is the case, temporary changes to the Regulations have been made. The Mayor will be allowed to close a meeting (either being held in person or via teleconference) if they are satisfied it

is not practicable to provide public access. Council must then publish a notice on its website at a reasonable period before the meeting, to advise of this decision.

Section 277 of the Regulations states that local government must, at least once in a year, publish in a local newspaper, and on the local government's website, a notice of the days and times of its ordinary meetings and meeting of Standing Committees. The local government must also display in a conspicuous place in its public office, a notice of the days and times when its ordinary meetings and meetings of its committees are to take place.

Additionally, section 277(5) of the Regulations requires the list of items for the agenda at meeting to be made available to the public at the time the agenda is made available to the Councillors.

#### **LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

Adherence to the *Local Government Regulation 2012*.

#### **LINK TO CORPORATE PLAN**

**Governance:** Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community.

#### **IMPLEMENTATION/COMMUNICATION**

Ensure that the days and time for Council meetings are published in a newspaper generally circulating in the Mareeba area, on Council's website, and in a conspicuous place in the Rankin Street Office. This ensures Council is meeting its obligations under section 277 of the Regulations.

**7.3 COUNCILLOR EXPENSES REIMBURSEMENT AND PROVISION OF FACILITIES**

**Date Prepared:** 6 April 2020

**Author:** Manager Development and Governance

**Attachments:** 1. **Councillor Remuneration, Expense Reimbursement and Resources Policy** [↓](#)

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**EXECUTIVE SUMMARY**

Section 250 of the *Local Government Regulation 2012* (the Regulations) requires local government to adopt an expense reimbursement policy which provides for:

- a) payment of reasonable expenses incurred, or to be incurred, by Councillors for the discharging their duties and responsibilities as Councillors; and
- b) provision of facilities to Councillors for that purpose.

**RECOMMENDATION**

That the attached Councillor Remuneration, Expenses Reimbursement and Resources Policy be adopted.

**BACKGROUND**

Section 250 of the *Local Government Regulation 2012* (the Regulations) requires local government to adopt an expense reimbursement policy which provides for:

- a) payment of reasonable expenses incurred, or to be incurred, by Councillors for the discharging their duties and responsibilities as Councillors; and
- b) provision of facilities to Councillors for that purpose.

The adopted policy can be amended, by resolution, at any time and must be able to be inspected at the local government's public office or website. A copy can be purchased by the public at the local government's public office also.

The Councillor Remuneration, Expenses Reimbursement and Resources Policy was previously adopted 18 September 2019. The Policy attached has been reviewed and amended to reflect current

**LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

Adherence to the *Local Government Regulation 2012*.

**LINK TO CORPORATE PLAN**

**Governance:** Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community.

**IMPLEMENTATION/COMMUNICATION**

Ensure any required publications in the Gazette per the *Local Government Regulation 2012* are adhered to.



## Councillor Remuneration, Expenses Reimbursement and Resources Policy

Policy Type	Governance Policy	Version:	2.0
Responsible Officer	Chief Executive Officer	Date Approved:	
Review Officer:	Chief Executive Officer	Review Due:	
Author:	Manager Development and Governance	Commencement:	

### 1. PURPOSE

The purpose of the policy is to ensure that elected members can receive reimbursement of reasonable expenses and be provided with the necessary facilities to perform their role. The policy will ensure accountability and transparency in the reimbursement of expenses incurred by the Mayor, Deputy Mayor and Councillors.

The policy also includes details of how the remuneration payable to local government Councillors is determined by the Local Government Remuneration Commission.

### 2. STATEMENT OF PRINCIPLES

This policy is consistent with the local government principles as set out in the *Local Government Act 2009*:<sup>1</sup>

- Transparent and effective processes, and decision making in the public interest;
- Sustainable development and management of assets and infrastructure, and delivery of effective services;
- Democratic representation, social inclusion and meaningful community engagement;
- Good governance of, and by, local government; and
- Ethical and legal behaviour of Councillors and local government employees.

### 3. SCOPE

This policy applies to the Mayor, Deputy Mayor and Councillors of the Mareeba Shire.

### 4. BACKGROUND / SUPPORTING INFORMATION

A local government is required to adopt an expenses reimbursement policy in accordance with the relevant provisions of the *Local Government Regulation 2012*.<sup>2</sup>

<sup>1</sup> See *Local Government Act 2009* (Qld) s 4.

<sup>2</sup> See *Local Government Regulation 2012* (Qld) ss 249-251.

#### Human Rights Compatibility Statement

The *Human Rights Act 2019* (HR Act) (Qld) came into effect on 1 January 2020 and will mean fairer laws, policies and practices by public entities when dealing with the community on a day-to-day basis. This policy has been drafted to align with section 8 and sections 15-37 of the HR Act.

Councillor Remuneration, Expenses Reimbursement and Resources Policy
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The adopted policy can be amended, by resolution, at any time and must be able to be inspected and a copy purchased by the public at the local government's public office and also published on the local government's website.

In order to provide clarity around the provisions of the policy, the following will apply:

**Council business** will include attendance at any official meeting of the Council, including the meetings of any Committee appointed by the Council under the relevant section of the *Local Government Regulation 2012*, Councillor forums and workshops and meetings of any external agency, committee, board or organisation on which Council input or representation is desirable and to which a Councillor has been appointed by formal resolution of the Council.

Council business also includes attendance at meetings and functions of community groups and organisations which Councillors have been formally requested or appointed to attend in an official capacity. It should be noted, however, that Council business should result in a benefit being achieved either for the local government and/or the local government area. Council may decide that this extends to performing civic ceremony duties such as opening a school fete, however, participating in a community group event or being a representative on a board not associated with Council is not regarded as Council business.

## 5. POLICY STATEMENT

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### 5.1 REMUNERATION

In accordance with the relevant provisions of the *Local Government Act 2009*,<sup>3</sup> the Local Government Remuneration Commission is responsible for:

- a. Establishing the categories of local governments; and
- b. Deciding which categories each local government belongs to; and
- c. Deciding the remuneration that is payable to the Councillors in each of those categories.

In accordance with the relevant sections of the *Local Government Regulation 2012*,<sup>4</sup> the Commission must, on or before 1 December each year and for each category of local government, decide and publish in the Gazette the remuneration schedule that may be paid from 1 July of the following year to a Mayor, Deputy Mayor or a Councillor of a local government in each category.

The remuneration may include, or may separately provide for, remuneration for the duties a Councillor may be required to perform if the Councillor is appointed to a committee, or as chairperson or deputy chairperson of a committee, of a local government.

The remuneration fixed by the Commission is all inclusive and no additional remuneration is payable for sick leave, annual leave, or any other benefits otherwise applicable to employees other than superannuation. The remuneration can not include any amount for expenses to be paid or facilities to be provided to a Councillor under the expenses reimbursement section of this policy.

The maximum amount of remuneration payable to a Councillor, as determined by the Commission, must be paid to the Councillor unless the local government decides, by resolution, not to pay the maximum amount.<sup>5</sup>

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<sup>3</sup> See *Local Government Act 2009* (Qld) s 177.

<sup>4</sup> See *Local Government Regulation 2012* (Qld) s 244.

<sup>5</sup> *Ibid* s 247.

**Councillor Remuneration, Expenses Reimbursement and Resources Policy**

The Commission has determined that the Mareeba Shire Council will be a Category 2 Council as from 1 July 2020.<sup>6</sup>

**5.1.1 Superannuation and tax**

The Council may, by unanimous Council resolution, elect to be an "eligible local governing body". This empowers the withholding of Councillors' income tax and automatic payment of the superannuation guarantee contribution.<sup>7</sup>

**5.2 EXPENSES****5.2.1 Payment of Expenses**

Reimbursement of expenses will be paid to a Councillor through administrative processes approved by the Council's Chief Executive Officer (CEO) subject to:

- the limits outlined in this policy and
- Council endorsement by resolution.

The administrative process for the payment of expenses is:

- Councillors complete the Councillor Expenses Reimbursement Voucher, attaching copies of supporting documentation such as logbook extracts and receipts;
- Completed forms submitted to the CEO for approval;
- Office of the CEO forwards approved forms to accounts payable.

**5.2.2 Travel as required to represent Council**

Council will reimburse local and in some cases interstate and overseas travel expenses (e.g. flights, motor vehicle, accommodation, meals and associated registration fees) deemed necessary to achieve the business of Council where:

- a Councillor is an official representative of Council; and / or
- the activity/event and travel have been endorsed by a resolution of Council or approved by the Mayor.

Councillors are to travel via the most direct route, using the most economical and efficient mode of transport.

**5.3 VEHICLES****5.3.1 Use of council vehicles on council business**

A Council vehicle will be provided for use by the Mayor and other Councillors may have access to a Council vehicle, as required (and if available at the time), for official Council business. A Councillor wishing to use a Council vehicle for Council business must submit a request to the Chief Executive Officer at least two (2) days prior to use, except in exceptional circumstances as determined between the Councillor, Mayor and CEO.

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<sup>6</sup> See Local Government Remuneration Commission Annual Report 2019 p 12.

<sup>7</sup> See *Taxation Administration Act 1953* (Cth) div 446 sch 1.

## Councillor Remuneration, Expenses Reimbursement and Resources Policy

**5.3.2 Private use of Council vehicles**

Private use of Council owned vehicles is only permitted if prior approval has been granted by the Mayor in writing. Reimbursement for private usage will be calculated based on the number of private kilometres travelled as per logbook substantiation, multiplied by the appropriate rate per business kilometre as determined by the Australian Taxation Office.

**NOTE:** Private use is not encouraged and only approved in extreme circumstances.

"Private use" in this context does not include incidental and occasional private use if the private destination is on a direct path between Council business destinations.

**Fuel costs**

Fuel for a Council owned vehicle used for official Council business will be provided or paid for by Council.

Fuel costs associated with the use of a Councillor's private vehicle are covered by the private vehicle expenses reimbursement rates.

**5.3.3 Use of a Councillor's private vehicle**

A Councillor's private vehicle usage will be reimbursed by Council if the:

- travel within the region is required to conduct official Council business (this includes driving their private vehicle to and from Council offices and use of their vehicle to carry out any inspections deemed necessary to fulfil their role as a Councillor, including inspections of roads, Council works and facilities, areas of complaint and development application proposals);
- travel outside the region has been endorsed by Council resolution or by the Mayor;
- claim for mileage is substantiated with logbook details; and
- total travel claim, where applicable, does not exceed the cost of the same travel using economy flights plus the cost of taxi transfers.

Reimbursement rates for business kilometres as published by the Australian Tax Office will be applied.

Private vehicle insurance is at the risk of the user for both private and business use.

**NOTE:** Any fines incurred while travelling in Council owned vehicles or privately owned vehicles when attending to Council business, will be the responsibility of the Councillor incurring the fine.

**5.3.4 Policy on vehicle use in cases of where high mileage travel**

Reimbursement of private vehicle use is only cost-effective under a certain threshold. This threshold is dependent on the type of vehicle and will be determined on a regular basis (where necessary) to ensure the most cost-efficient method is used.

Where Councillors are expected to, or do, travel over the annual threshold, they can, by request to the Mayor, be provided with a Council vehicle under the same terms and conditions as the Mayor instead of being reimbursed a kilometre allowance. This will also be dependent on the availability of a Council vehicle.

In the event that a Council vehicle is allocated to a Councillor as a result of this clause, this allocation will be reviewed quarterly to ensure that the threshold is still being exceeded. A logbook must be maintained at a standard that the ATO will accept to negate any FBT liability.

**Councillor Remuneration, Expenses Reimbursement and Resources Policy****5.3.5 Car parking amenities**

Council will reimburse Councillors for parking costs paid by Councillors while attending to official Council business.

**5.4 TRAVEL BOOKINGS**

All Councillor travel approved by Council will be booked and paid for by Council, unless travelling by private or Council vehicle. Wherever possible, payment for such travel will be made by Council in advance.

Economy class is to be used where possible although Council may approve business class in certain circumstances.

Airline tickets are not transferable and can only be procured for the Councillor's travel on Council business. They cannot be used to offset other unapproved expenses. (e.g. cost of partner or spouse accompanying the Councillor).

Council will pay for reasonable expenses, per ATO determination, incurred for overnight accommodation when a Councillor is required to stay outside the Mareeba Shire Council local government area.

**5.5 TRAVEL TRANSFER COSTS**

Any travel transfer expenses associated with Councillors travelling for Council approved business will be reimbursed.

Example: Trains, taxis, buses and ferry fares.

**5.6 ACCOMMODATION**

All Councillor accommodation for Council business will be booked and paid for by Council. Council will pay for the most economical deal available. Where possible, the minimum standards for Councillors' accommodation should be three or four-star rating. Where particular accommodation is recommended by conference organisers, Council will take advantage of the package deal that is the most economical and convenient to the event. Should more than one Councillor attend the same event, Council will book and pay for a separate accommodation room for each attending Councillor.

**5.7 MEALS**

Council will reimburse the reasonable cost of meals for a Councillor where a Councillor:

- incurs the cost personally; and
- is not provided with a meal:
  - within the registration costs of the approved activity/event;
  - during an approved flight; and
- produces a valid tax invoice.



## Councillor Remuneration, Expenses Reimbursement and Resources Policy

Council will reimburse the actual cost of meals, however the current Australian Taxation Office determination in this regard will be considered with regard to the reasonableness of the claim.<sup>8</sup>

If a Councillor, for some legitimate reason, is unable to produce a tax invoice and seeks reimbursement for meals while attending official Council business, he/she may claim up to a maximum of the following meal allowance amounts (noting this can only occur when the meal was not provided within the registration costs of the approved activity/event):

Breakfast	\$25.20	Applies if the Councillor is required to depart their home prior to 6.00am
Lunch	\$28.70	
Dinner	\$49.60	Applies if the Councillor returns to their home after 9.00pm

No alcohol will be paid for by Council.

Should the Councillor choose not to attend a provided dinner/meal, then the full cost of the alternative meal shall be met by the Councillor.

#### 5.8 INCIDENTAL ALLOWANCE

Up to \$20.05 per day, as per ATO determination,<sup>9</sup> may be paid by Council to cover any incidental costs incurred by Councillors required to travel, and who are away from home overnight, for official Council business.

#### 5.9 ADMINISTRATIVE TOOLS

Administrative tools will be provided to Councillors as required to assist Councillors in their role.

Administrative tools may include:

- Office space and Council meeting rooms;
- Access to computers;
- Use of Council landline telephone and internet access;
- Access to fax, photocopier, scanner, printer and stationery;

Secretarial support may also be provided for the Mayor and Councillors, within the existing staff structure, by Council resolution.

In recognition of the fact that office space within Council facilities is limited and that use of technology such as internet and electronic distribution of agendas and minutes is generally more efficient and practical than requiring Councillors to travel to the Council administration centre to undertake the day to day tasks associated with their role, accordingly, Council will supply and pay for an internet and land-based phone line at the Councillor's residence.

Council will pay the installation costs (if required) and the monthly costs for the line rental and current internet package. The amount paid will be based on the Telstra Home Broadband Standard package.

<sup>8</sup> See Taxation Determination TD 2019/11 – Australian Taxation Office p 4 tbl 1.

<sup>9</sup> Ibid.

Councillor Remuneration, Expenses Reimbursement and Resources Policy
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**iPad**

To further enhance the ability of Councillors to communicate electronically with Council, particularly email communication and distribution of agendas, minutes and other information, Council will pay for the purchase of an iPad and associated internet usage via a monthly package arrangement. For guidance as at the writing of this policy, the Telstra iPad (7<sup>th</sup> gen) Package Medium is \$30.37 a month. The value of the reimbursement will be reviewed every second year to keep it in line with the current Telstra Package.

The Councillor is to arrange the purchase of the iPad and appropriate monthly data plan in their personal capacity. Council will pay the package amount, as above, to the Councillor on a monthly basis. Any costs over and above the monthly payment by Council will be at the Councillor's expense.

**Mobile Phone**

As per the above arrangements for supply of an iPad for Councillors' use, Council will also pay the costs of a mobile phone package for Councillors. For guidance as at the writing of this policy, the Telstra iPhone 11 64GB Package Medium is \$60.00 a month. The value of the reimbursement will be reviewed every second year to keep it in line with the current Telstra Package.

The Councillor is to arrange the purchase of the phone and appropriate monthly phone plan in their personal capacity. Council will pay the package amount, as above, to the Councillor on a monthly basis. Any costs over and above the monthly payment by Council will be at the Councillor's expense.

**5.10 INSURANCE COVER**

Council will indemnify or insure Councillors in the event of injury sustained while discharging their civic duties. Specifically, insurance cover will be provided for public liability, professional indemnity, Councillors liability and personal accident.

Council will pay the excess for injury claims made by a Councillor resulting from conducting official Council business and on any claim made under insurance cover.

Council will cover costs incurred through injury, investigation, hearings or legal proceedings into the conduct of a Councillor, or arising out of, or in connection with the Councillor's performance of his/her civic functions. Where it is found that a Councillor breached the provisions of the Local Government Act or that the conduct the subject of investigation, hearings or legal proceedings was intentional, deliberate, dishonest, fraudulent, criminal or malicious, the Councillor will reimburse Council for all associated costs incurred by Council.

**5.11 PROFESSIONAL DEVELOPMENT**

Where Council resolves that Councillors are to attend training courses, workshops, seminars and conferences that are related to the role of a Councillor (mandatory professional development), Council will reimburse the total costs of their attendance at the nominated events.

In addition, where a Councillor identifies a need to attend a conference, workshop or training to improve skills relevant to their role as a Councillor (discretionary professional development), expenses will be reimbursed as per Council resolution on a case by case basis.

The Mayor may attend any LGAQ conference or other relevant training courses, workshops, seminars and conferences as Council's representative as required.

Councillor Remuneration, Expenses Reimbursement and Resources Policy
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Councillors desirous of undertaking either mandatory or discretionary professional development should advise the CEO of their interest in attending a specific training course, workshop, seminar or conference and the CEO will provide a report to Council seeking Council endorsement of attendance at the event. Periodically, the opportunity for Councillors to attend training courses, workshops, seminars and conferences is without sufficient notice to seek Council endorsement. In these instances, the Mayor can provide an endorsement for Councillors to attend.

**6. REPORTING**

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No additional reporting is required

**7. DEFINITIONS**

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Nil

**8. RELATED DOCUMENTS AND REFERENCES**

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*Local Government Act 2009* (Qld)

*Local Government Regulation 2012* (Qld)

*Taxation Administration Act 1953* (Cth)

Taxation Determination TD 2019/11 – Australian Taxation Office

**9. REVIEW**

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It is the responsibility of the Chief Executive Officer to monitor the adequacy of this policy and implement and approve appropriate changes. This policy will be formally reviewed every four (4) years or as required by Council, with a preference to reviewing within six months of each quadrennial election.



**7.4 MAREEBA LOCAL DISASTER MANAGEMENT GROUP**

**Date Prepared:** 7 April 2020

**Author:** Manager Development and Governance

**Attachments:** Nil

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**EXECUTIVE SUMMARY**

The purpose of this Report is to appoint the Chairperson for the Local Disaster Management Group (the LDMG) to ensure good governance in the event of a disaster.

**RECOMMENDATION**

That Council appoints the Mayor as Chairperson of the Local Disaster Management Group.

**BACKGROUND**

The Chairperson of the LDMG must be a Councillor of local government. Traditionally the Mayor assumes this role and responsibility. As the spokesperson for the Mareeba Shire Council, the Mayor needs to be fully conversant with LDMG Operational Plans and able to confidently address community issues prior to a potential disaster event, as well as report on response and recovery operations after an event. The reporting arrangements inherent in the proposed LDMG structure and operating environment provide the Mayor with that assurance.

It is proposed at the next Council meeting when other committee positions are decided that the Deputy Chairperson and LDMG Sub Group Advocate positions, which are typically filled by Councillors, will be decided.

It is important to fill the Chairperson as soon as possible to ensure Council has the appropriate governance in case a disaster eventuates prior to Council's ordinary meeting.

**LINK TO CORPORATE PLAN**

**Community:** An engaged community which supports and encourages effective partnerships to enhance the liveability of the shire and the wellbeing of residents in communities which are resilient and prepared for unforeseen events.

**Governance:** Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community.

**IMPLEMENTATION/COMMUNICATION**

Nil



**4 BUSINESS WITHOUT NOTICE**

**5 NEXT MEETING OF COUNCIL**