Katja Awender

From: Jennifer Marshall
Sent: August 14, 2025 8:57 AM
To: John Mascarin
Subject: RE: Strong Mayor Powers Clarification

Good morning John,

Sorry I missed your call yesterday.

I completely understand what you have highlighted in your email below. It makes perfect sense to me now that we are hashing it out. It is interesting that municipalities have felt the need to come up with a 'different' process just because the mayor has veto powers over certain by-laws. Why did we create this additional work?

Thanks John, we will be changing our process now and taking that notation off our by-laws.

Hope you have a great day and are enjoying this cooler weather!

Regards,

Jennifer Marshall, AMP (She/Her)
Clerk
Township of Springwater
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P. 705-728-4784 Ext. 2042

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From: John Mascarin <jmascarin@airdberlis.com>
Sent: Wednesday, August 13, 2025 4:40 PM
To: Jennifer Marshall <jennifer.marshall@springwater.ca>
Subject: RE: Strong Mayor Powers Clarification

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Jennifer,

Yes – it looked exactly like another municipality's notation at the end of a by-law. I was asked about this previously and pretty-much answered as I did to you in my comment.

The reason mayor's issue a decision that they will not be vetoing a by-law is to provide certainty that the by-law will not be vetoed. I can certainly understand that if one needs to exercise the authority the by-law allows the very next day but that is not typically the case. Nevertheless, most municipalities will issue a mayoral decision indicating that no by-laws are being challenged.

It was only recently that I was made aware of some municipalities using the notation at the end of the by-law which I do not believe constitutes an actual mayoral decision.

I appreciate that you don't want to create more paper and additional administration, but I just believe it is incorrect to say the mayor issued a decision as a form of adjunct to a by-law.

Quite honestly, I thought that mayors would just proceed to sign by-laws in the normal course and not fret about the two-day waiting period for a veto notice to be filed. However, if a veto notice is actually filed and the mayor does subsequently veto the by-law, the original by-law would be deemed [by operation of s. 284.11(8)] to not have been passed by council.

I do like your final suggestion which is what I thought most municipalities would do. However, that is not the current practice of most municipalities.

John

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From: Jennifer Marshall <jennifer.marshall@springwater.ca>
Sent: August 13, 2025 4:24 PM
To: John Mascarin <jmascarin@airdberlis.com>
Subject: RE: Strong Mayor Powers Clarification

Hi John,

I just saw your note about the bottom of our by-law on our notation to say the mayor is not vetoing the by-law.

We got that from another municipality because I was seeing a lot of Mayor's issuing decisions after every meeting to say the by-laws are approved, so that by-laws are effective once they are signed rather than waiting the two days to see if they want to use their veto powers. The mayor was not in favour of more work and more mayoral decisions to circulate and post, so we borrowed this approach.

Reading your note, would a better approach be that we wait the two days and she only issues a decision if she is in fact vetoing a by-law? Is it then appropriate if she signs the by-laws the day after the meeting which indicates she doesn't have an intention to veto any of the by-laws and we just carry on as normal?

Thanks again.

Jennifer Marshall, AMP (She/Her)
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From: John Mascarin <jmascarin@airdberlis.com>
Sent: Wednesday, August 13, 2025 1:30 PM
To: Jennifer Marshall <jennifer.marshall@springwater.ca>
Subject: RE: Strong Mayor Powers Clarification

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Jennifer,

Question 1

In response to your first question as to timing of the proposed by-law under s. 284.11.1, it is my view that **the Mayor can propose the by-law at the same meeting *without* any advance notice**. I appreciate

that this is running roughshod over the concepts of open, transparent and accountable government but that is how I interpret s. 284.11.1. I will explain it below.

Unlike a veto under s. 284.11, there are no timing requirements that are set out in s. 284.11.1.

Subsection 284.11.1(2) sets out the procedure for advancing a by-law and applies "[d]espite any procedure by-law".

The in-writing requirements for the exercise of powers under Pet VI.1 provides as follows:

> **In writing**
> **284.4** (1) If the head of council exercises a power or performs a duty under this Part, the head of council shall do so in writing and in accordance with the regulations, if any.
>
> **Making information available**
> (2) The head of council shall, in accordance with the regulations, make any prescribed information and documents available to the public and to any other prescribed persons or classes of persons.

Section 3 of O. Reg. 530/22 provides:

> **Other in writing requirements**
> **3.** Except as otherwise provided in the Act and this Regulation, when exercising a power or performing a duty under Part VI.1 of the Act the head of council shall,
> (a) by the next business day, provide the written record produced in accordance with subsection 284.4 (1) of the Act to each member of council and to the clerk; and
> (b) subject to the *Municipal Freedom of Information and Protection of Privacy Act*, make the written record available to the public.

My interpretation of s. 3 of O. Reg. 530/22 is that it applies after the exercise of a power or duty under Part VI.1.

In my view, if the provincial government had intended to impose a timing requirement to bring forward a by-law under s. 284.11.1, it could easily have added one but instead s. 284.11.1(3) simply provides as follows:

> **Same**
> **284.11.1** (3) The head of council shall, in accordance with the regulations, provide to the clerk and to each member of council,
> (a) a copy of any by-law proposed under subsection (2); and
> (b) the head of council's reasons for the proposal.

It is implicit that the proposed by-law and supporting reasons are to be provided in advance of the vote but there is no specific timing set out. I think the intent was to permit the head of council to advance a by-law at their discretion, which could be without any advance notice to anyone.

Question 2

In response to your second question, I am of the view that it is likely sufficient to include a clause along the lines that you have proposed (i.e. “That resolution C266-2025 be hereby revoked.”).

However, I would, in fact, recommend that the inclusion of a reference to the confirmatory by-law for that meeting. The wording that you have proposed is very clear and captures the specific resolution confirmed by the confirmatory by-law.

I would recommend:

> That Confirmatory By-law 2025-053 dated July 2, 2025 be revoked, in part, as it applies to resolution C266-2025 and that the remainder of Confirmatory By-law 2025-053 remain in effect.

I have also attached a revised draft of the proposed by-law and a blacklined comparison. Does the mayor intend to have a separate document to support the reasons for her opinion that the provincial priorities are being advanced by the by-law?

Let me know if you have any questions.

John

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From: Jennifer Marshall <jennifer.marshall@springwater.ca>
Sent: August 13, 2025 11:23 AM
To: John Mascarin <jmascarin@airdberlis.com>
Subject: RE: Strong Mayor Powers Clarification

Good morning John,

Thank you for your input! I have two more points to clarify with you.

1. If the reconsideration fails at tomorrow’s meeting, can the mayor then at the meeting, in the moment, provide the clerk and council with a proposed by-law and her reasons at the meeting for Council to consider and vote on? I am trying to wrap my head around this one, but would she be able to say in the meeting I am emailing this to the clerk and council now and then she could read it out for the public?

2. Your last point ‘recommending that the proposed by-law should expressly revoke the prior resolution (presumably confirmed by by-law) otherwise there may be two conflicting by-laws’, I am wondering if how I have prepared the by-law is addressing this. I simply put ‘That resolution C266-2025 be hereby revoked.’ Or do you recommend that I reference the confirmatory by-law as well for that meeting? Something like, ‘That Confirmatory By-law 2025-053 dated July 2, 2025 be revoked as it applies to Resolution C266-2025 only and that all other resolution of July 2, 2025 remain in effect.’

Your insight is appreciated.

Regards,

Jennifer Marshall, AMP (She/Her)
Clerk
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2231 Nursery Road
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From: John Mascarin <jmascarin@airdberlis.com>
Sent: Tuesday, August 12, 2025 4:08 PM
To: Jennifer Marshall <jennifer.marshall@springwater.ca>
Subject: RE: Strong Mayor Powers Clarification

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Jennifer,

If the reconsideration motion does not pass, the mayor has no ability to veto the earlier by-law/resolution.

However, as you have noted, her option to continue to advance a cross-border servicing of the subject property would appears to be to exercise her power under s. 284.11.1 of the *Municipal Act, 2001* to advance a by-law.

The by-law appears to be a by-law passed under the authority of the *Municipal Act, 2001* [s. 284.11.1(1)(a)].

The mayor has to be of the **opinion** that the by-law could **potentially advance** a provincial priority (i.e. housing or infrastructure related to housing under O. Reg. 580/22) [s. 284.11.1(2)].

She must provide the by-law to the clerk and each member of council and her **reasons** for the proposal [s. 284.11.(3)]. This does not have to be in accordance with the procedure by-law.

Council is required to vote on the by-law [s. 284.11.1(2)].

The by-law can be passed with a *more than* one-third of council [minimum 3 votes needed – and mayor can vote] [s. 284.11.1(4) & (5)].

I would recommend that the proposed by-law should expressly revoke the prior resolution (presumably confirmed by by-law) otherwise there may be two conflicting by-laws.

Let me know if you have any questions or wish to discuss.

John

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From: Jennifer Marshall <jennifer.marshall@springwater.ca>
Sent: August 12, 2025 2:46 PM
To: John Mascarin <jmascarin@airdberlis.com>
Subject: Strong Mayor Powers Clarification

Good afternoon John,

Apologies for this long-winded email. We have a special closed session meeting on Thursday, and the mayor has requested I run a strong mayor question by you to get your input.

The meeting is to receive an update from the provincial facilitator related to the City of Barrie Proposed Boundary Adjustment discussions and it is anticipated that a motion passed by Council on July 2, 2025 (see motion below) will potentially affect the outcome when discussing cross border

servicing. Some Council members would like to see a local developer servicing specific lands within the Township, while some feel these lands would be better serviced by the City of Barrie which is part of the facilitated negotiations.

Whereas in December of 2023, Council unanimously supported the requests for Ministerial Zoning Order's by Remington Group Inc. and Paul Sadlon Communities for their proposed developments on Bayfield St at the south end of Springwater; and,

Whereas at that time servicing for the Remington and Sadlon parcels was "to be determined"; and,

Whereas on June 4, 2025 Council received an update on Growth Management work by WSP, including the 2021 Bayfield St Corridor Study detailing the redevelopment potential for Bayfield St with main street uses, which expands on the 2008 polices of the Midhurst Secondary Plan; and,

Whereas, the Midhurst Landowners Group provided correspondence on June 13,2025 detailing the capacity of the Midhurst Wastewater Treatment Plant, currently and with the upcoming Phase 2 Expansion; and,

Whereas servicing the Remington and Sadlon developments via the Midhurst Wastewater Treatment Plant will extend services through the Bayfield St Corridor; and,

Whereas the redevelopment of the Bayfield St corridor will deliver significant economic and social benefits for the Township of Springwater.

Now Therefore, Council hereby revokes its support for MZO-2023-001 – The Reminton Group Inc. – 727 Bayfield Street North and MZO-2023-002 – Paul Sadlon Communities (2252841 Ontario Inc.) – 742 Bayfield Street North unless they are serviced through the Midhurst water and wastewater treatment facilities.

And Further That Township staff be directed to circulate this decision to the Hon. Rob Flack, Minister of Municipal Affairs and Housing, Remington Group Inc., Paul Sadlon Communities, Midhurst Landowners Group and the Provincial Facilitator expeditiously.
Carried

The mayor is hoping to propose a reconsideration of the motion above however if it does not pass; the Mayor has requested input on how strong mayor powers could be used to negotiate with the City of Barrie in good faith to reach an agreement that includes cross border servicing for these properties.

Recognizing after the July 2nd meeting the mayor could have vetoed the motion, she did not. Very similar to the May by-law she brought forward, she is looking to go forward with this discussion notwithstanding this July motion from council. Therefore, is this another instance where the mayor can bring forward a by-law under Section 284.11.1 of the Act to allow the mayor to proceed with cross border servicing discussions?

Thanks in advance John.

Jennifer Marshall, AMP (She/Her)
Clerk
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