Katja Awender

From: John Mascarin <jmascarin@airdberlis.com>
Sent: September 8, 2025 2:32 PM
To: Jennifer Marshall
Subject: RE: Strong Mayor Powers --- by-laws and vetoes

EXTERNAL EMAIL. Please check sender.

Jennifer,

No need to apologize – heck, I am being referred to in a media story as the expert on the topic. Not an issue!

John

John Mascarin
Partner Certified Specialist (Municipal Law: Local Government & Land Use Planning and Development)

T 416.865.7721
E jmascarin@airdberlis.com

Aird & Berlis LLP | Lawyers
Toronto | Vancouver

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From: Jennifer Marshall <jennifer.marshall@springwater.ca>
Sent: September 8, 2025 2:30 PM
To: John Mascarin <jmascarin@airdberlis.com>
Subject: RE: Strong Mayor Powers --- by-laws and vetoes

Good afternoon John,

Thank you for reaching out and providing the below which I completely understand and agree with. I believe in that moment of the meeting the Deputy Mayor thought that the Mayor proceeded to read the motion to be reconsidered, even after the reconsideration failed. Between you and I, the mayor's proposed by-law was not presented well causing confusion for all. I apologize that your name was thrown out there in that moment. The Deputy Mayor has never proceeded to request a second opinion on the matter; I believe that was thrown out there in the moment as well. He then left the meeting and did not return.

If it does come up again, I will clarify why it would be a waste of time/money as you have outlined below.

Thank you for your time and attention John.

Regards,

Jennifer Marshall, AMP (She/Her)
Clerk
Township of Springwater
2231 Nursery Road
Minesing, ON L9X 1A8
P. 705-728-4784 Ext. 2042

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From: John Mascarin <jmascarin@airdberlis.com>
Sent: Friday, September 5, 2025 8:43 AM
To: Jennifer Marshall <jennifer.marshall@springwater.ca>
Subject: RE: Strong Mayor Powers --- by-laws and vetoes

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Jennifer,

I read the article: Tensions rise in Springwater over use of strong mayor powers - Orillia News

I had foreseen the assertion that any attempt by the mayor to use strong mayor powers in this case is a "reconsideration." I see that the Deputy Mayor is seeking "another legal opinion", so let me explain further how that will go:

(a) The procedure by-law says whatever it says about reconsideration.

(b) Subsection 284.11.1(2) of the *Municipal Act, 2001* provides that the head of council can advance her own by-law "despite any procedure by-law".

(c) Section 14 of the *Municipal Act, 2001* provides that a by-law [i.e. the procedure by-law] that is in conflict with or frustrates the purpose of a provincial statute [i.e. Part VI.1 of the *Municipal Act, 2001*] is without effect to the extent of the conflict.

In other words, it does not matter what the procedure by-law sets out, it is (i) specifically overridden by s. 284.11.1(2); and (ii) is generally not applicable by virtue of s. 14.

“Another legal opinion” would be a complete waste of money.

John

John Mascarin
Partner Certified Specialist (Municipal Law: Local Government & Land Use Planning and Development)

T 416.865.7721
E jmascarin@airdberlis.com

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From: Jennifer Marshall <jennifer.marshall@springwater.ca>
Sent: September 3, 2025 8:51 AM
To: John Mascarin <jmascarin@airdberlis.com>
Subject: RE: Strong Mayor Powers --- by-laws and vetoes

Good morning, John and thank you for the response and guidance. It is appreciated as always.

Regards,

Jennifer Marshall, AMP (She/Her)
Clerk
Township of Springwater
2231 Nursery Road
Minesing, ON L9X 1A8
P. 705-728-4784 Ext. 2042

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From: John Mascarin <jmascarin@airdberlis.com>
Sent: Tuesday, September 2, 2025 5:26 PM

To: Jennifer Marshall <jennifer.marshall@springwater.ca>
Subject: RE: Strong Mayor Powers --- by-laws and vetoes

EXTERNAL EMAIL. Please check sender.

Hi Jennifer,

If council does not pass the by-law to approve the framework agreement, there really is no by-law to veto. I suppose someone could argue that there is the confirmatory by-law that adopts all actions taken at the meeting and the Mayor could veto that particular part of the confirmatory by-law that approves the decision to not approve the framework agreement.

However, I am not certain that such an action needs to be taken because no decision to proceed was passed.

In this case, the Mayor can proceed under s. 284.11.1 of the *Municipal Act, 2001* to advance her own by-law.

The Mayor is allowed to do so "despite any procedure by-law". I am assuming, like you, that the framework agreement would be a by-law or resolution under the *Municipal Act, 2001* so she could bring it forward if she forms the opinion that the framework agreement could potentially advance a provincial priority. She can propose the by-law to council with reasons for the proposal and require that council consider and vote on the by-law at a meeting.

I am assuming that some council members will contend that it is a reconsideration of an already-decided matter but the Mayor is still authorized to proceed notwithstanding what the procedure by-law provides. And she can require that "council consider and vote on the proposed by-law." This means that if there is quorum at the meeting, she can insist that the members remain and vote on the by-law. She will need more than one-third of council to approve – in you case, 3 members of council.

Let me know if you have any questions emanating from the foregoing.

John

John Mascarin
Partner Certified Specialist (Municipal Law: Local Government & Land Use Planning and Development)

T 416.865.7721
E jmascarin@airdberlis.com

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From: Jennifer Marshall <jennifer.marshall@springwater.ca>
Sent: September 2, 2025 4:48 PM
To: John Mascarin <jmascarin@airdberlis.com>
Subject: Strong Mayor Powers --- by-laws and vetoes

Hello John!

Happy September!

The mayor has asked another strong mayor question regarding this City of Barrie proposed boundary adjustment that is a bit of an unusual one, I think…. The Ministry has stated that they want us to have a framework agreement, agreed upon by all parties, by the end of September. The mayor fears that Council will not agree to anything, period.

When it's time, if we have a meeting with the agreement for Council to approve, presumably by by-law and they defeat that by-law, can the mayor still use her veto powers within the two days to reverse that decision? My reading of the timing around this says specifically "...two days after the day council voted in favour of the by-law…"

Or is the solution that she then must pass another by-law herself either right away or at a subsequent meeting under Section 284.11.1? Her fear then is that Council may get up and leave or not show up to the meeting, so we don't have quorum. What could/can be done then? Is there an option for the mayor to just issue a decision at any point in time on this topic?

Thanks in advance John as always.

Regards,

Jennifer Marshall, AMP (She/Her)
Clerk
Township of Springwater
2231 Nursery Road
Minesing, ON L9X 1A8
P. 705-728-4784 Ext. 2042

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