Katja Awender

From: Jennifer Marshall
Sent: May 6, 2025 2:31 PM
To: John Mascarin
Subject: RE: Strong Mayor Powers - previous resolution question

Thanks John. That was where my interpretation was headed but there were questions. Thanks for the confirmation.

Cheers,

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

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From: John Mascarin <jmascarin@airdberlis.com>
Sent: Tuesday, May 6, 2025 11:55 AM
To: Jennifer Marshall <jennifer.marshall@springwater.ca>
Subject: RE: Strong Mayor Powers - previous resolution question

EXTERNAL EMAIL. Please check sender.

Jennifer,

Subsection 284.11.1(2) of the *Municipal Act, 2001* provides that "the head of council may propose the by-law to the council and require the council to consider and vote on the proposed by-law at a meeting"

My interpretation of s. 284.11.1(2) is that the "proposed by-law" is what Council votes on; not any amendments to the by-law. I think that is the correct way to interpret and apply the provision, otherwise you go around in circles and always end up back as you have said, to square one.

John

John Mascarin
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From: Jennifer Marshall <jennifer.marshall@springwater.ca>
Sent: May 6, 2025 11:21 AM
To: John Mascarin <jmascarin@airdberlis.com>
Subject: RE: Strong Mayor Powers - previous resolution question

Hi John,

Following up on the below; the Mayor plans to bring a proposed by-law forward tomorrow at a Council meeting. A question came up that I am unsure of how to handle. When her by-law comes up, can Council put forward an amendment to that by-law at the meeting? What if the Mayor doesn't want their amendment to the by-law? What happens then? Do we have to proceed with passing the by-law as amended and then the mayor can veto it? We would then be back at square one.

Any thoughts or guidance is appreciated.

Thank,

Jennifer Marshall, AMP (She/Her)
Clerk
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From: John Mascarin <jmascarin@airdberlis.com>
Sent: Thursday, May 1, 2025 12:47 AM
To: Jennifer Marshall <jennifer.marshall@springwater.ca>
Subject: RE: Strong Mayor Powers - previous resolution question

EXTERNAL EMAIL. Please check sender.

Hi Jennifer,

The veto power under s. 284.11 of the *Municipal Act, 2001* can only apply to just-enacted by-laws:

> **By-law for consideration**
> **284.11** (2) Despite any procedure by-law passed by the municipality under subsection 238 (2) and subject to subsection (3) of this section, if the head of council is of the opinion that all or part of a by-law that is subject to this section could potentially interfere with a prescribed provincial priority, the head of council may provide written notice to the council of the intent to consider vetoing the by-law.
>
> **Same, timing**
> (3) If the head of council intends to consider vetoing the by-law, **the head of council shall provide the written notice described in subsection (2) on or before the earlier of two days after the day council voted in favour of the by-law** or the prescribed deadline, if any.

Accordingly, the Mayor cannot veto the confirmatory by-law that was enacted on March 6, 2024 to give effect to Resolution C117-2024. Resolution C117-2024 remains in place.

I am not certain that the Mayor can issue a Mayoral Decision or Direction to the effect that you noted (i.e., that the Mayor handles all intergovernmental relations related to the provincial priorities). I don't really see that falling within her powers under Part VI.1 of the statute.

HOWEVER, the Mayor can seek to exercise her power under s. 284.11.1 of the *Municipal Act, 2001* to bring forward a by-law that in her opinion potentially advances provincial priorities and she can have that put to council for a vote which can be enacted if "more than one third of the members of council vote in favour of the by-law" [s. 284.11.1(4)].

For example, she could provide a by-law that effectively overturns Council's Resolution to terminate discussions with the City of Barrie. She would need to provide written reasons to support the by-law and how the by-law advances provincial priorities.

Please let me know if you would like to discuss or have any further questions.

John

John Mascarin
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From: Jennifer Marshall <jennifer.marshall@springwater.ca>
Sent: April 30, 2025 9:03 AM
To: John Mascarin <jmascarin@airdberlis.com>
Subject: Strong Mayor Powers - previous resolution question

Good morning John,

I have my first specific Strong Mayor Powers question, and I was wondering if you could give me some guidance.

We have the below motion from March 6, 2024 and the Mayor is asking if she can issue a Mayoral Decision that states that going forward the Mayor handles all intergovernmental relations related to the provincial priorities. If she does that, do we need to go veto the confirmation by-law as it relates to the below specific motion? What would be the best course of action for this?

C117-2024
Moved by Thompson
Seconded by Moore
That Council hereby terminate discussions between the City of Barrie regarding the Cities proposal for boundary adjustments, and they be so advised.
Carried

Thanks in advance!

Jennifer Marshall, AMP (She/Her)
Clerk
Township of Springwater
2231 Nursery Road
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