

Applicability

This Policy applies to Youth and Post-Secondary Representatives elected to the Provisional Council of the Métis Nation of Ontario (“PCMNO”), any Chartered Métis Community Council or any Métis Community Council incorporated under the *Métis Nation of Ontario Secretariat Act* (“MNOSA”).

Effective Date

This *Policy on Youth and Post-Secondary Representatives* (the “Policy”) is effective as of March 6, 2016.

Definitions

All definitions in this Policy have the same meaning as within the MNO Secretariat Bylaws (the “Bylaws”). In the event of a conflict, the Bylaws take precedence.

Background and Context for Policy

The MNO is strongly committed to ensuring that Métis youth are meaningfully engaged in the MNO’s self-government. This includes the ongoing ability of MNO citizens who are at least 16 years of age to have their votes recognized in accordance with our Métis traditional ways and self-government. Youth engagement also includes participation in the MNO’s self-government structures at the local, regional and provincial levels.

1. Chartered Community Councils

At the local level, many Community Councils operating under the MNO’s Charter Agreement system include Youth and/or Post-Secondary Representatives. The MNO strongly encourages youth participation within Chartered Community Councils. One of the terms of the MNO Community Charter Agreement is that Community Councils shall not be incorporated under the laws of Ontario or Canada for any purpose whatsoever. The Councilors of a Chartered Community Council—including any Youth and Post-Secondary Representatives—are therefore not directors of a corporation.

While Councilors of a Chartered Community Council play a vital role in representing MNO citizens and Métis communities at the local level, they do not have the rights, responsibilities, duties and liabilities of corporate directors under Ontario law. As such, Youth and/or Post-Secondary Representatives on Chartered Community Councils are elected and are able to vote in all Council meetings without legal or corporate liabilities accruing to them.

2. PCMNO

The MNO Secretariat was incorporated in 1994 to create a legal entity that could enter into contracts, receive and administer government funding, and otherwise act as the corporate and administrative arm of the MNO. PCMNO Councilors—both the provincial or regional representatives democratically elected by MNO citizens—are also the Board of Directors of the Secretariat for corporate law purposes. That means that in certain circumstances, they may be personally liable for MNO debts, unpaid source deductions, and other financial obligations.

This gives rise to a specific concern with respect to Youth and Post-Secondary Representatives. It would be profoundly inappropriate to require that a 16-year-old take on potential liabilities that could have a devastating impact on their future as a condition of their participation in governance. For this reason, Youth and Post Secondary Representatives are not required or permitted to hold any of the legal rights, powers, duties of a Councilor. This is reflected in the MNO Bylaws as follows:

18. The elected youth representative on the PCMNO may only vote at PCMNO meetings if over the age of eighteen (18) years.
19. The Post Secondary Representative on the PCMNO may only vote at PCMNO meetings if over the age of eighteen (18) years. ...
20. Voting councilors must be individuals who are bondable, at least eighteen (18) years of age and with power under law to contract.

The *MNOSA* was passed by the Ontario Legislature on December 9, 2015, and came into force on January 1, 2016. Like the MNO Bylaws, the *MNOSA* recognizes the vital role played by youth in governance bodies, but also the need to protect their interests. It states:

- 6.(1) A person who, while under the age of 18, is elected by the citizens in accordance with the by-laws to represent, on the Provisional Council, the interests of young people for a specified term is not a councilor, does not hold any of the rights, powers, duties or liabilities of a councilor, and is not entitled to exercise a binding vote on any matter before the Provisional Council or any of its committees.
6. (2) Subsection (1) applies for the duration of the person's term, even if he or she reaches the age of 18 years during the term.

3. Métis Community Councils Under *MNOSA*

The same rules applicable to PCMNO will apply to Youth and Post-Secondary Representatives on Chartered Community Councils that choose to incorporate and become Métis Community Councils under the *MNOSA*. Specifically, the *MNOSA* states:

- 14.(1) A person who, while under the age of 18, is appointed by the Secretariat, in its capacity as the sole member of a Métis Community Council, in accordance with the by-

laws of the Métis Community Council to represent, on the Métis Community Council's board, the interests of young people for a specified term is not a councilor, does not hold any of the rights, power, duties or liabilities of a councilor, and is not entitled to exercise a binding vote on any matter before the board or any of its committees.

14. (2) Subsection (1) applies for the duration of the person's term, even if he or she reaches the age of 18 years during the term.

4. Need for this Policy

The approaches set out in the MNO Bylaws and *MNOSA* are based on sound public policy and legal principles. A 16-year-old cannot make a decision that when they turn 18, they will automatically acquire all of the legal liabilities and duties of a Councilor. Those liabilities and duties can only be assumed by an 18-year-old—that is, a legal adult—who fully understands what those responsibilities entail and willingly takes them on.

At the same time, the MNO recognizes that some Youth and Post-Secondary Representatives who turn 18 during their term of office may wish at that time to become full Councilors and to assume all of the rights and responsibilities that come with that role. This Policy provides a mechanism by which to do so.

Resignation and Appointment of Youth or Post-Secondary Representative

1. If a Youth or Post-Secondary Representative on PCMNO reaches the age of 18 years during his or her term of office and wishes to become a full Councilor with all of the rights, powers, duties and liabilities associated with that role, he or she shall resign the office of Youth or Post-Secondary Representative, as the case may be, by delivery of a written resignation to the PCMNO pursuant to subsection 23(a) of the MNO Bylaws.
2. The written resignation shall state the Youth or Post-Secondary Representative's desire to become a Councilor. The written resignation shall also confirm the Youth or Post-Secondary Representative's understanding that becoming a Councilor means acquiring, among other things:
 - a. The right to exercise a binding vote on any matter before the PCMNO or any of its committees; and
 - b. The legal duties and liabilities of a corporate director, potentially including liability for any unpaid debts or other financial obligations of the Secretariat.
3. Upon receipt of the Youth or Post-Secondary Representative's written resignation, the office of Youth or Post-Secondary Representative, as the case may be, shall be deemed vacated pursuant to section 23 of the MNO Bylaws.
4. Once the vacancy occurs, PCMNO has the power under section 23 of the MNO Bylaws to appoint any eligible MNO citizen to hold that office until the next election. PCMNO shall exercise that power by appointing the Youth or Post-Secondary Representative who resigned

to fill the vacancy caused by their resignation.

5. The newly-appointed Youth or Post-Secondary Representative will then be a PCMNO Councilor, with all of the rights, powers, duties and liabilities of a Councilor.
6. For greater certainty, nothing in this Policy should be interpreted to
 - a. require that a Youth or Post-Secondary Representative on PCMNO resign his or her office upon reaching 18 years of age; or
 - b. constrain the ability of a Youth or Post-Secondary Representative on PCMNO to resign at any time without seeking appointment to that office.
7. This approach set out above shall be adopted and implemented for all of those Chartered Community Councils that choose to incorporate as a Métis Community Council under the *MNOSA*. This Policy constitutes a written declaration by the Secretariat under the *MNOSA*.

Adopted by PCMNO at a meeting held in Toronto on March 5, 2016