

ALAN GREENBERG: Can we get started, Gisella?

GISELLA GRUBER: With pleasure, Alan. I'd like to welcome everyone on today's Meetings and Administration Drafting Team meeting on Monday the 28th of January at 17:00 UTC. On today's call we have Alan Greenberg, Cheryl Langdon-Orr, Olivier Crépin-Leblond, Tijani Ben Jemaa, Dev Anand Teelucksingh, Eduardo Diaz, Yaovi Atohoun, Yrjö Länispuro, Maureen Hilyard and Carlton Samuels. Apologies noted from Darlene Thomson, Cintra Sooknanan and Fatima Cambronerero.

From staff today we have Heidi Ullrich, Silvia Vivanco and myself, Gisella Gruber. If I could please remind everyone to state their names when speaking for transcript purposes and also a transcript of this meeting will be made available to you within the next 48 hours. Thank you, over to you Alan.

ALAN GREENBERG: Thank you very much, Gisella. We scheduled this meeting for only an hour thinking there weren't many issues. There ends up being a lot of changes that we have to review – most of them I believe will not be controversial but I'd like to go as quickly as possible. The changes that we're looking at are mainly ones I did suggested by Rinalia, Maureen, Heidi and a few small ones by other people.

Alright, if we can start everyone has the ability to scroll their own screen or you have a private copy of the document. For those who

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downloaded a copy it changed about an hour ago. There were some minor changes and we'll highlight them as we go through them here if so. If you don't have the most recent one it's not really a major problem, we'll talk about them.

Alright, the first change is 1.2.1.4, and that was a comment from Heidi that our practice right now... Carlton, we can hear you talking to someone.

CARLTON SAMUELS: Sorry about that, I had to take a call.

ALAN GREENBERG: Okay, it was a comment from Heidi saying our current practice is we do start meetings before the quorum starts; before we have quorum we of course can't make any decisions. And so I've added a statement which allows us to do that, and it says the requirement for quorum may be waived by the Chair and of course that doesn't alter the needs to be quorate at a decision. I'm going to assume that people will either yell out or raise their hand if they have a problem with any of these changes as we go along.

I've left the requirement for quorum to begin on urgent and special meetings. These meetings are called for some onerous reason typically and my belief is we should keep that requirement for those. Olivier?

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Alan, it's Olivier for the transcript. You mentioned here the requirement for quorum may be waived by the

Chair – might you have to say whether it's the ALAC Chair or the chair of the meeting itself?

ALAN GREENBERG: That's a good question that I think we need to look at in general because I'm not sure that we've differentiated between the meeting chair and the ALAC Chair in general because I think we've said the ALAC Chair chairs meetings unless someone else has taken the position. I would suspect meeting chair is what we should do but I think we'll have to do a consistency check and go through the document.

HEIDI ULLRICH: Alan?

ALAN GREENBERG: Yes, go ahead.

HEIDI ULLRICH: This is Heidi. Perhaps acting chair?

ALAN GREENBERG: No, I think we need to make sure that everything is clear. In this case I think it would be whoever is chairing the meeting at the moment and we'll go through and make sure all the other references are clear. So it's a good point but let's not dwell on the details right now. But I believe in this case it should be the meeting chair; whoever's running the meeting can decide to waive the quorum. Tijani?

TIJANI BEN JEMAA: Thank you, Alan. Why not make it easier if we can do that? I think any ALAC meeting doesn't require a quorum; only decisions require quorum. So we have to say that any decision requires the quorum, not the meeting. We can have a meeting to discuss and don't take any decision. So the quorum is not for the meeting; it's for the decision.

ALAN GREENBERG: I guess I disagree. To have three people claiming there's a meeting going on and call it a formal meeting even though they can't take decisions I think is improper. That's my opinion – anyone else?

CARLTON SAMUELS: I tend to agree with you.

TIJANI BEN JEMAA: But Alan, what you wrote here, what you wrote here is exactly what I am saying.

ALAN GREENBERG: Yes, but that requires a conscious decision and action by somebody as opposed to a matter of course. Carlton, you agree? Anyone else have any feelings one way or the other?

CARLTON SAMUELS: Yes, I agree with you. I don't think you can reasonably call it a meeting.

ALAN GREENBERG: Okay, Yaovi agrees. Cheryl?

CHERYL LANGDON-ORR: Yeah, I'm happy with that. I see what Tijani's saying but I actually think what you have does the job better. Tijani, otherwise if we do get into this issue of "Well, we've discussed that, there was consensus," you've got harder arguments on there was not as many regions represented as should be, all those sorts of things if we don't leave this in for now.

TIJANI BEN JEMAA: May I add something?

ALAN GREENBERG: Sure, go ahead.

TIJANI BEN JEMAA: Yes, what is the harm to have a meeting if we have only a few people present, a meeting to discuss, not to decide? What is the problem?

ALAN GREENBERG: I think it's the kind of thing Cheryl just said. Then we could claim "Oh yes, we discussed that. There was a general consensus in the room. It wasn't a decision but everyone sort of agreed." For formal, for things that we call formal meeting I think as a matter of practice we can say that we waive quorum – I think that's a bad practice and I think that's only been forced upon us because people refuse to show up at meetings on time or to show up at meetings at all. And I think that's a problem that ALAC has to address. So I would like to think that as a

matter of course we not have meetings without quorum, at least in the beginning. But right now the reality is we on occasion decide we want to do that, so I'd like to make it a conscious decision.

TIJANI BEN JEMAA: So here you have to say that the Chair may remove the quorum in case we have X people present, in line with your proposition.

ALAN GREENBERG: Well, I don't see anything wrong with leaving that decision to the Chair. If the Chair wants to remove quorum with only two people at the meeting he or she is going to have to answer to that, but I'm not sure I want to set what the number is.

TIJANI BEN JEMAA: I really don't understand but never mind. If everyone is okay I don't mind but I don't understand it at all.

ALAN GREENBERG: Okay, let's carry on. There seems to be a general agreement with the wording that's there right now; let's carry on on the email list if you want to try to make the case and we'll revisit it there.

TIJANI BEN JEMAA: Okay.

ALAN GREENBERG: Okay, the next one is 1.3.1.3 and I think that just is closing a loophole that we had, that we hadn't included the adjunct documents in this list of priorities.

On 1.3.1.5 I had a question of should rulings of the Chair precede Robert's Rules of Order? Or is the order there correct? Cheryl, you're one of our expert on rules, do you have a thought on that? I tend to think it should go above Robert's Rules but if we find some Robert's Rules that really don't apply because we haven't read them in detail we should be able to fix that.

CARLTON SAMUELS: I think it's right, it's at the right place.

CHERYL LANGDON-ORR: Yeah, I think – Cheryl here. That will, yeah, that will work. There are other issues if rules of the Chair become unreasonable, so yep.

ALAN GREENBERG: So you're saying move it up or not move it up, I'm sorry?

CHERYL LANGDON-ORR: Yes, move it up.

ALAN GREENBERG: And Carlton, you're agreeing?

CARLTON SAMUELS: Yeah.

ALAN GREENBERG: Anyone disagree? I see no x's, no hands up, done.

1.3.2 simply lists the adjunct documents and there's going to be one more that I'm suggesting we go along with them, that just lists them to make it clear which adjunct documents we're talking about.

Next change is 1.5.1 – we have used the term “in-person meetings” and “face-to-face meetings” interchangeably. I have changed it consistently to “face-to-face.” The expression “in person” still is used to describe when someone does something but I think this is consistent. If anyone feels strongly they should all be changed to “in-person meetings” I'm happy with that – I just picked one that looked better. If anyone has any comments again now or on the list... Yaovi?

YAOVI ATOHOUN: Thank you, it's Yaovi speaking. Just it is about the (inaudible)...

ALAN GREENBERG: I'm sorry, Yaovi?

YAOVI ATOHOUN: Can you hear me?

ALAN GREENBERG: You're very fuzzy, you're hard to understand. You're loud but hard to understand.

YAOVI ATOHOUN: Okay, can you hear me better?

ALAN GREENBERG: Yes, that's better.

YAOVI ATOHOUN: Oh okay. I wanted to suggest that we use the (inaudible) but I think it's okay as in the last part you said by other means. So it is okay, so just keep it at the quorate. Thank you.

ALAN GREENBERG: Sorry, which section are you talking about?

YAOVI ATOHOUN: 1.5.1.

ALAN GREENBERG: Oh okay, fine, okay.

YAOVI ATOHOUN: Yeah, so we leave it like this because at the end you said "or by other means as [previously approved] by the ALAC." Thank you.

ALAN GREENBERG: Okay. Tijani?

CARLTON SAMUELS: And the reason why I am going along with that is because you have technology now that makes it face-to-face all the time, even if-

ALAN GREENBERG: Yeah, we're not trying to restrict what we can use in the future so I've tried to keep that open ended. Tijani?

TIJANI BEN JEMAA: Yes, 1.4.2.2 you have ["to be removed"] twice, so remove one of them. For 1.5.2....

ALAN GREENBERG: Okay, hold on one second – "to be removed" and "removed," thank you very much on that. Next?

TIJANI BEN JEMAA: Next, 1.5.2, "the voter [electronically] over a period of time all ALAC members are deemed to have been present." What does that mean, "present" here? Is it-

ALAN GREENBERG: We have a rule later on saying that you have to have all five regions represented, and we're saying that votes that happen electronically such as the Big Pulse votes we're assuming everyone has the ability to vote and therefore everyone is present at the vote.

TIJANI BEN JEMAA: The ability is not to have to be – "have to be" you said.

CHERYL LANGDON-ORR: "...is deemed to be..."

ALAN GREENBERG: "...are deemed to have been present"; that is after the fact, that means all 15 members were considered to have participated in the vote.

TIJANI BEN JEMAA: I think this is something obvious. In a vote, any electronic vote the 15 members are asked to vote. So I don't know why you would put it here.

ALAN GREENBERG: Because we don't want someone afterwards saying "Oh, my email was broken, I didn't see it."

TIJANI BEN JEMAA: And if his email is broken how would he see it?

ALAN GREENBERG: All we're saying is we can't guarantee that every ALAC member actually signs onto their computer that week and sees they have a Big Pulse vote. But we're assuming that everyone does. Otherwise-

TIJANI BEN JEMAA: It doesn't make any problem for me if it is an addition but I don't see the utility of it.

ALAN GREENBERG: Okay. Cheryl, you're trying to say something?

CHERYL LANGDON-ORR: Yeah, Cheryl for the record. The reason it needs to be here, Tijani, is if I was to decide to become [obstrolous] and difficult I could continually say, for example right now I've only recently put two-step verification on my email address for obvious reasons if you've got any SPAM from me recently. Now, I can't receive SMS codes in the current weather conditions I'm in. Now, that's a legitimate reason for me not getting such a notice and if I miss a vote, well tough – I miss a vote. But I can always... If that was to last a fortnight or if I was to decide that I was going to continually and deliberately not have access to this and then say "Ah, but no one else from Asia-Pacific was present" I could null and void decisions where because I'm not the only person expected to be in a place from a region, if you deem in electronic field [votes] that all regions are present it means that the "all regions having to be present" rule doesn't become a problem for you.

TIJANI BEN JEMAA: Okay.

ALAN GREENBERG: Okay. Carlton, you want to speak?

CARLTON SAMUELS: Well, this is Carlton for the record. I think Cheryl said in the last bit you have to have a way of terminating the argument as well as an out, and that is why you used that term "be deemed to have been present."

ALAN GREENBERG: Yeah, thank you. Remember, we also have metrics which will count, where this kind of thing will kick in.

CARLTON SAMUELS: Yes.

ALAN GREENBERG: Okay. The old 1.5.2, now 1.5.3 – I've deleted all of the rambling text that we were using to discuss it. I think there has been general consensus both in person in Toronto and on the email Wiki that what we will do is we will require five regions to be present under most circumstances and the only exception being that if there is an urgent vote that must be completed during a face-to-face meeting that the requirement can be waived.

There was one suggestion by Maureen that for such urgent votes we require a super majority to overcome a region that would be possibly missing. I think this is a rare enough circumstance that I don't feel really strongly on this. I think it's going to virtually never happen. But what do people feel about adding the super majority requirement? We have Carlton, Maureen and Dev in that order.

CARLTON SAMUELS: I'm sorry, I need to put down my hand but for what it's worth I don't think you need it.

ALAN GREENBERG: Okay, Maureen?

MAUREEN HILYARD: Yes, thank you, it's Maureen for the record. The recommendation I made with regards to super majority actually came about too because I don't think we've actually sort of specified in there why we might need to have super majority. If we need to have a super majority we should do this. But my line of thinking was – sorry, I've got a plane going over me. My thinking was that if any vote is considered important enough to be kept open over a period of time to allow more members to be voting then perhaps we should include that there is a super majority. And that would enable the additional expectation that we have to include the five regions and to allow for more members to actually participate in the voting. And I think we do need to sort of like put it in somewhere. Unless you've put it in somewhere, Alan, and I've missed it.

ALAN GREENBERG: I'm confused by what you're saying. The super majority, which is essentially two thirds, is used only for certain issues where you want to make sure there's an overwhelming number of ALAC members who support it. Changing these Rules is one of those examples. So I'm not sure-

MAUREEN HILYARD: We don't actually specify that. We don't actually specify what super majority actually involves. But my recommendation as I said was really just to say that if any vote is considered important enough to be kept

open that perhaps we can expect a super majority so that more people will vote. But that's open, that's still open.

ALAN GREENBERG: Just remember – super majority isn't how many people vote, it's how many people vote in favor of something.

MAUREEN HILYARD: Exactly, okay. Sorry.

ALAN GREENBERG: And I hope there's a definition of super majority later; if there isn't that needs to be fixed. Cheryl, did I hear you want to speak? And we have Dev and Tijani also.

CHERYL LANGDON-ORR: I'll go last, go on.

ALAN GREENBERG: Okay. Go on, Dev.

DEV ANAND TEELUCKSINGH: This is Dev Anand Teelucksingh speaking. Just jumping back up – yeah, are you hearing me?

ALAN GREENBERG: Yes we are.

DEV ANAND TEELUCKSINGH: Okay, good. Going back to 1.5.1, you know, you have “more than 50% of the currently sitting ALAC members.” Why is that phrase “currently sitting” there? Why not simply just say “more than 50% of the ALAC members must be present?”

ALAN GREENBERG: I can’t remember why it’s there. Anyone see a strong reason for having it?

CHERYL LANGDON-ORR: Yes, I can remember why it was there – Cheryl here. The reason, Dev, and it may be that the [mast] is not a problem with the current lineup but let me allude to the possibility that we have had a spilling of, for whatever reasons, let’s assume resignation of more than one NomCom appointee. And they are being reappointed, in the process of being reappointed. You don’t want to have... It’s the currently sitting ALAC members as opposed to ALAC’s 15 people is what helps. Otherwise you’d have “Ah well, but there was only 12 ALAC and ALAC has to be 15” because for whatever reason people are not currently sitting.

You might have a region that’s totally closed down. Let’s assume APRALO becomes some sort of huge problem and while other parties consider the Memorandum of Operation and the memorandum with ICANN decide to dissolve the arrangement, that means three people won’t be sitting on the ALAC. If you say “the currently sitting ALAC” that means that ALAC will still be even though it is in a temporary mode only

four regions large, still be able to take decisions with a 50% plus one rule.

ALAN GREENBERG: Cheryl, what you just mentioned I think is relevant for the five region quorum problem which we didn't cover, and I'll add some words to cover that. I'm not sure in 1.5.1 what the difference is between "currently sitting ALAC members" and simply "ALAC members" which is a defined term.

CARLTON SAMUELS: Yes.

ALAN GREENBERG: And I tend to agree. I can leave it there, I have no problem, but I'm not sure the concept of an ALAC member who is not currently sitting exists. They're either an ALAC member or not at any given point.

CARLTON SAMUELS: This is Carlton. That is my feeling.

ALAN GREENBERG: Cheryl?

CHERYL LANGDON-ORR: I'm trying to remember back to... I know we had this discussion almost ad nauseam and this is why we end up here. But if you've now decided it doesn't need to be here then fine, but then it needs to be in with the

regional balance issue. I think it was to make sure we had it all covered in a sequential sort of order. If we put it in here then we don't have to deal with it on the...

ALAN GREENBERG: Okay. I will check on the definition of an ALAC member if currently sitting is already implied or not, and make sure it's covered one place or the other.

CHERYL LANGDON-ORR: Yeah.

ALAN GREENBERG: In terms of the regional balance, I think the statement has... I'm not going to try to reword it on the call but I think the statement shouldn't say "all five regions" but "all of the regions currently represented in the ALAC."

CHERYL LANGDON-ORR: Yeah, yeah.

ALAN GREENBERG: Okay. So that's a good catch even though it wasn't in relation to what Dev was saying. Tijani?

TIJANI BEN JEMAA: Thank you. Why don't we merge point 1.5.3 with point 1.5.4: "For consensus decision or votes during a meeting to be considered valid, ALAC members..." etc.?

ALAN GREENBERG: The reason is I tried phrasing it in one point and I ended up with such a complex sentence that it ended up easier doing it this way. So...

TIJANI BEN JEMAA: [Not too difficult for me].

ALAN GREENBERG: Yeah, if you want to suggest wording on email. There was no philosophical reason; it just ended up getting too complex to state otherwise.

TIJANI BEN JEMAA: Okay.

ALAN GREENBERG: Okay, and I think we have generally agreed that the one issue of a super majority reference is not needed.

TIJANI BEN JEMAA: No.

ALAN GREENBERG: Okay, let's keep going then. The next one is 1.7.3 – there were two issues. One is, and I think this came from Rinalia, that we say we should try to get motions out and available early and but she noted it wasn't mentioned that they should be in the agenda. So I think that's just tidying that up.

CHERYL LANGDON-ORR: Yeah, that's neat and tidy.

ALAN GREENBERG: And there was a comment made I think by Maureen on 1.7.3 of should we put stronger words in than "to the extent possible and practical?" My inclination is that's about as strong as we can make it. That says there's an onus of it but we can't delineate what reasons something comes up at the last moment. And we've said strongly that we do not want to tie ourselves in a way that we cannot make a decision if something comes up on short notice. Maureen, do you want to talk to that or does anyone else have any strong feelings on do we want to change that word and make it a stronger statement?

MAUREEN HILYARD: Hi, this is Maureen for the record. No, I'm fine with that. Thank you, Alan.

ALAN GREENBERG: Okay, alright, let's keep going. 1.8.1.1...

TIJANI BEN JEMAA: Eduardo, Eduardo has his hand-

ALAN GREENBERG: Eduardo has his hand up. Go ahead, Eduardo.

EDUARDO DIAZ: Yes, I wanted to in the 1.7.3, I would change the order of the sentence. I would start with “Motions should be made and circulated in advance of the meeting to the extent possible and practical and including the (inaudible) agenda.” That includes the changes in the way...

ALAN GREENBERG: You always have those comments and you’re always right.

EDUARDO DIAZ: Thank you.

CHERYL LANGDON-ORR: Good.

ALAN GREENBERG: Okay, you put “to the extent possible” after what? Eduardo, can you read that again – “Motions should be made and circulated in advance of the meeting to the extent possible and be included...?” Eduardo has disappeared.

HEIDI ULLRICH: Alan, this is Heidi. He's disconnected to we'll get back to him. He's disconnected.

ALAN GREENBERG: Okay. Okay, next – 1.8.1.1. Oh, okay, some of it was cosmetic – “The ALAC member” in the ICANN Bylaws, or ALAC Rules, “within these Rules of Procedure.” There was a question of whether a point to order can be made on not following an obscure Robert's Rules order and there was a very general consensus when I talked to a lot of people in Toronto that the point of order should be on our own Rules, not on something buried in Robert's.

CHERYL LANGDON-ORR: Indeed.

ALAN GREENBERG: Okay, and lastly I added something which we do on a regular basis but we hadn't captured it – that is, a point of order can be issued because “I don't understand what you're talking about” or “Can you please define something?” or “Which motion are we talking about? I'm confused now,” that kind of question. So I just covered that.

CARLTON SAMUELS: That has always existed.

ALAN GREENBERG: We've always done it but it wasn't in our Rules.

CHERYL LANGDON-ORR: Yeah, Carlton, Cheryl here. I've actually been in ICANN meetings where a quite reasonable interruption to process was called a point of order and it was disallowed because it wasn't a formally-defined point of order as per rules. So it's good to have it there.

CARLTON SAMUELS: Oh, yeah.

ALAN GREENBERG: And I've also been in meetings where the point of order that someone's trying to raise is "Which motion are we voting on?" You want to allow people to ask that.

CARLTON SAMUELS: Yes, you want to allow people and that's the Chair's-

CHERYL LANGDON-ORR: Absolutely.

CARLTON SAMUELS: Well, I think it's good to have it here, thanks.

ALAN GREENBERG: Alright. 1.9.5, this is one that we had a discussion on email and the Wiki and people were pretty evenly divided, that if someone makes a procedural motion to stop the meeting or to close debate... Oh actually

sorry, this only relates to close the debate: should the Chair be able to say “No, we still have a long speaker list, we haven’t heard from everyone, we will continue” and not go to a vote on the procedural motion? On the other hand, sometimes there’s a long speaker list but everyone’s saying the same thing over and over again and it’s a reasonable thing to close debate. So my personal feeling is I don’t feel very strongly that it’s a reasonable thing for the Chair to say “No, it’s not time to close, I still have a long speaker list and we should keep on talking about it.”

CHERYL LANGDON-ORR: Cheryl here. I like this being able to be in... I’m all for empowering Chairs of course so I’m biased.

ALAN GREENBERG: Okay. Carlton, you have your hand up?

CARLTON SAMUELS: Yeah, Eduardo was before me, did he talk?

ALAN GREENBERG: I don’t know if Eduardo’s actually on the line yet – is he?

EDUARDO DIAZ: I am but I just forgot to put my hand down.

ALAN GREENBERG: Okay.

CARLTON SAMUELS: Okay, this is Carlton then for the record. I would like to have it there, but if you say it's going to be in there what you have to recognize is that that's a ruling from the Chair, that under the Rules people might say it is contrary to the Rules and therefore request a vote. So for propriety's sake I would add it to the rule and make reference to the procedure to request a clarification of the ruling from the Chair.

ALAN GREENBERG: Sorry, Carlton, I have trouble understanding what you just said. So can you try saying it with different words? Maybe simpler ones as I'm not awake yet.

CARLTON SAMUELS: Somebody calls up and says "We want to start the meeting, adjourn the meeting," the Chair says "No, we have a lot of things to discuss, we want to..."

ALAN GREENBERG: Well remember, this is only to close debate, not to stop a meeting.

CARLTON SAMUELS: Oh, you're talking about the closing the debate issue.

CHERYL LANGDON-ORR: Carlton, "I'm calling for a vote on this issue now." I can stop you saying the rest, as an ALAC member-

CARLTON SAMUELS: Oh, just to close the debate. I agree with you, Cheryl, it's just to close the debate.

CHERYL LANGDON-ORR: Yes.

ALAN GREENBERG: Okay, so we leave this in.

CARLTON SAMUELS: Yes, yes, yes. If it's just about closing the debate absolutely yes. I'm sorry, I was taking it (inaudible). Sorry.

ALAN GREENBERG: Okay, next point, 1.10.1 – this one is a question. We say “With the exceptions noted, decisions of the ALAC should preferably made by consensus.” That's a rule we've always had, we've almost never done it over the six plus years that I've been involved. Without going into why people have been reluctant to do it, my inclination is to try to map closer to what we actually do and say “may” instead of “should.” And one of the rationales is that the process for calling for consensus, that is “Does anyone object?” – the Chair saying that – is very close to the process we use to actually hold a vote. We say “Are there any abstentions, any no's? Then it carries unanimously.” That's a vote, not a consensus call. And the process is so similar that I don't think we need to agonize over which we called it. So my inclination is to say-

CHERYL LANGDON-ORR: I agree with that point, Alan, but I think we should probably use the “preferably,” “should preferably” as opposed to the “may” language, that’s all.

ALAN GREENBERG: Okay. But that implies we’re not taking the preferable route even though the words are almost identical in calling it what we’re calling it. Carlton and Olivier?

CARLTON SAMUELS: I agree with Cheryl there, I just wanted to-

ALAN GREENBERG: So leave it alone.

CARLTON SAMUELS: Yeah.

ALAN GREENBERG: Olivier?

OLIVIER CRÉPIN-LEBLOND: Thank you Alan, it’s Olivier for the transcript. I would agree with Cheryl for the simple reason that we are again dealing with the default, and the default is and has always been that in ICANN and in multi-

stakeholder systems such as At-Large we should be using consensus as much as we can.

ALAN GREENBERG: Okay, even though in fact ALAC has almost always used votes.

OLIVIER CRÉPIN-LEBLOND: Yep.

ALAN GREENBERG: Okay, then we leave alone.

CHERYL LANGDON-ORR: We're going to go into formal consensus call mode, dum-dum-dum!

OLIVIER CRÉPIN-LEBLOND: Shall we have a vote on this one?

ALAN GREENBERG: We don't have votes in drafting teams or work groups.

CHERYL LANGDON-ORR: That will have to go on the email list because...

[crosstalk]

ALAN GREENBERG: Okay, 1.10.5 – “Any ALAC member may request a consensus decision be verified by a formal vote and the outcome of such vote will [override].” That was asked on the list – everyone said yes, we can override the Chair’s consensus by asking for a formal vote. Tijani, your hand is up?

TIJAN BEN JEMAA: Yes, 1.10.2 – there is an “is” missing on the first line, the word before the last one – “is any objection....”

CARLTON SAMUELS: Oh okay, you’re right.

CHERYL LANGDON-ORR: Yes, good catch, Tijani.

CARLTON SAMUELS: “If there are,” “if there are any objections...”

TIJANI BEN JEMAA: “Are any” or “is any objections.”

CARLTON SAMUELS: “Are any...”

ALAN GREENBERG: Sorry, I’m trying to find it.

CARLTON SAMUELS: 1.10.2, start at “objections.”

ALAN GREENBERG: Oh I see, “if there are any” or “is any objection,” alright. Sorry, now I see it. If there are, it’s plural so are any I guess. Thank you, Tijani.

Alright, 1.10.5 – I think we agreed on.

1.10.7 – that was a comment from Rinalia seconded by Maureen that the term “personnel” tends to be related to people that are hired and we should change it to “individuals,” and I said “named individuals.” So “any vote related to named individuals should be...”

CARLTON SAMUELS: That’s fine.

CHERYL LANGDON-ORR: Here, here.

ALAN GREENBERG: Now, this was a question that we had, I’m not sure it was exactly equal but it was pretty balanced on the answer, and that is if it is potentially obvious to the Chair that this is going to be a unanimous acclamation, should we allow the Chair to opt for that? Without going into the mechanism that the Chair should use to determine it, without embarrassing anyone who may want to say no, I personally feel this is something that the Chair should be able to do.

CARLTON SAMUELS: I totally agree. The Chair should be able to say “We should have consensus” and ask for it.

ALAN GREENBERG: Yeah, the downside is someone who the Chair didn’t talk to and plans to vote no is put in an awkward position at that point.

CARLTON SAMUELS: No. What the Chair is trying to do is to create consensus. That’s the preferred way so you call it out.

ALAN GREENBERG: Okay, anyone want to speak against this?

CHERYL LANGDON-ORR: Olivier and Tijani have their hands up.

ALAN GREENBERG: Yeah, Olivier?

OLIVIER CRÉPIN-LEBLOND: Thank you, Alan. I think that we’re faced with something that’s actually happened recently as well – it’s Olivier for the transcript. On the ATRT2 selection there has been a vote in which there’s been one abstention, and there was a consensus call by persons on the list. So the Chair should be allowed, yeah, can ask for unanimous agreement I think. It’s no-

ALAN GREENBERG: Okay, I don't believe there was a consensus call on your being the lead person on the ATRT. There was a discussion on the email list where several people said yes, they agree.

OLIVIER CRÉPIN-LEBLOND: And then there was a question from Carlton who basically proposed I would be out of the-

ALAN GREENBERG: Yes, but I don't think we ensured sufficient people contributed to that to call it a consensus call.

CARLTON SAMUELS: We had it long enough. That's the whole reason for me to say that we should, we had it long enough. I made for a consensus call-

ALAN GREENBERG: Okay, in any case let's not talk about the specifics now.

OLIVIER CRÉPIN-LEBLOND: But it's just to illustrate the fact that this has happened and maybe we've reached the worst case scenario when someone does not agree and abstains, or maybe abstains for any other reason. But there's no-

ALAN GREENBERG: But remember, this particular change is talking about unanimous, not a consensus. Tijani, you had your hand up. Let's hear Tijani.

TIJANI BEN JEMAA: Yes, thank you. I am against that the Chair be allowed to ask for consensus in this case because it will worsen the relationship inside the group. Suppose we are talking about people here, suppose there is yes, there is a consensus but there are two or three people that were against. They will be known and the people that have been, how to say it, the other people will be upset and will have a very bad relationship with their friends. So I think it's not good. It is a (inaudible) and it should be like this I think.

ALAN GREENBERG: Okay, let me make a comment and then we'll go-

CHERYL LANGDON-ORR: It's by acclimation, isn't it?

ALAN GREENBERG: Pardon me?

CHERYL LANGDON-ORR: This is the ability for a Chair to declare something by acclimation, isn't it?

TIJANI BEN JEMAA: Cheryl-

CARLTON SAMUELS: There's one other thing to it.

ALAN GREENBERG: Acclimation is when there's only one candidate, I think. We're talking about it's contested for some reason but... I'm going to withdraw it and I'll tell you why. What Tijani just said is that this could be used by a Chair to try to ram something through where he knows there is someone who doesn't agree and he's trying to make sure that since they can't say it publicly for whatever reason he's going to force a unanimous decision – essentially by embarrassing them. And I tend to think that this is something we should avoid then and just take it out. I like the thought about being able to say something's unanimous but a vote can say it's unanimous also because the outcome of the vote is known. So I think this one should be deleted, so I'm withdrawing it unless someone feels very, very strongly it's necessary.

CARLTON SAMUELS: This is Carlton. I don't feel very strongly about it either way but I would say the reason I would support it is for the exact opposite reason that Tijani just stated. If I ask for it I don't have to go through a vote which would be recorded. I can simply ask for consensus and then we don't have to record who's against it. So it's actually a less effective way of shaming somebody.

ALAN GREENBERG: But Carlton, on an individual we do not record how you voted. All we release is-

CARLTON SAMUELS: Yes, but this doesn't say anything about- Yes, but this says named individuals. Are we talking about a vote for somebody, for a personnel matter for lack of a better word?

ALAN GREENBERG: Yeah, we're deciding whether to pick Carlton or...

CHERYL LANGDON-ORR: Cheryl.

ALAN GREENBERG: Well Carlton or Tijani, I'm picking ALAC members – Carlton or Tijani to be the king for the next week.

CARLTON SAMUELS: I understand that. But if I don't have a recorded member vote I will not repeat the votes against me or whatever if I have a vote. I don't have to know who they are. If I'm sensitive enough I could figure it out. If I have a sense of the room I could figure it out.

ALAN GREENBERG: Okay. The question is should Olivier be allowed to say "I think everyone agrees Carlton is the right person. Can we agree unanimously?" And

someone who feels that Carlton is not the right person is in an awkward position at that point.

CARLTON SAMUELS: I don't think that's what it's asking but-

ALAN GREENBERG: Well, that's why I put it in so that's what I was asking, maybe it wasn't phrased properly. Olivier?

OLIVIER CRÉPIN-LEBLOND: Thank you, Alan, it's Olivier for the transcript. I wanted to speak about another part of the sentence which was... Yeah, yeah, this is behind us, I think we're happy on that. I've made my point on the chat. But the other thing, "How each ALAC member votes shall not be revealed. Some ALAC members might not vote" – now I'm not sure what the rules are supposed to be at the moment but recently there has been a vote on some matters which involve people and some people did not vote. I was not able to access any information as to who voted and who did not vote. So...

ALAN GREENBERG: I think the intent there was we not release any voting records including a record of who did not vote.

OLIVIER CRÉPIN-LEBLOND: Ah, so in which case you need to amend this.

ALAN GREENBERG: Yeah, I will change “reveal how people voted.”

OLIVIER CRÉPIN-LEBLOND: “...or did not vote.”

ALAN GREENBERG: “...or did not vote,” yeah, I’ll change the wording. The intent I believe is we don’t give out voting records. The wording is improper there.

Next point, 1.10.11, the question that I have is we sometimes use the term “vote” and sometimes “formal vote.” I don’t think there’s any differentiation and I think we just need to clean up the language unless anyone has a strong feeling that there’s two different meanings, in which case I think we need to define what the non-formal vote is. I think that’s consensus but... Alright.

Maureen pointed out that the last sentence of 1.10.11 is redundant; it already says it in the next section so I just removed that.

Heidi pointed out that “email and telephone” is not very specific and we should identify who it is who can receive such messages. The email I’ve said we’ll put it in the email guide. Should the email guide, remember is for ALAC lists, not necessarily work groups and stuff – I think that should be an adjunct document. I don’t feel strongly about it but anyone have any strong feelings yes or no?

CARLTON SAMUELS: No.

CHERYL LANGDON-ORR: No, not strong at the moment.

ALAN GREENBERG: Okay. Do you have a weak feeling, Cheryl?

CHERYL LANGDON-ORR: [laughing] No, I don't.

ALAN GREENBERG: Okay, so we'll see how it comes out. I'll write it up and see if it looks like an adjunct document or not. And on telephone, we're saying "to ICANN staff, the ALAC Chair or otherwise specified." The ALAC Chair may delegate Cheryl to make the phone calls or something like that.

CHERYL LANGDON-ORR: Yes.

ALAN GREENBERG: On the other hand, if it's a private vote we probably want to make sure that we use staff or some other disinterested person, so I think this makes it reasonably clear and gives us flexibility.

CHERYL LANGDON-ORR: Yeah, that's good.

ALAN GREENBERG: This one I don't remember if it's Rinalia, I think it's Rinalia – 1.10.14.2, and if we have had a tie vote and we somehow decide that we're going to redo it after a decision, she said if it's that close we should do a vote not just a decision which could be consensus. I tend to agree. I can't imagine a Chair opting for a consensus at that point unless suddenly everyone has seen the light. Tijani?

CHERYL LANGDON-ORR: It was but it would probably involve having in enshrined-

ALAN GREENBERG: Yeah, Tijani?

TIJANI BEN JEMAA: Yes, Alan, 1.10.13 – if I read the first sentence “A formal vote is needed to be successful. If at least five delegates cast a non-abstaining vote and if the number of votes in favor is higher than the votes against,” first off this means that five persons can make a vote that is valid.

ALAN GREENBERG: That is our current rule.

CARLTON SAMUELS: As long as it's five from different areas.

ALAN GREENBERG: Remember, five is... Remember, a quorum is eight.

TIJANI BEN JEMAA: I know, but it is not printed here. You said the vote is valid if five people vote and if the number of the-

CARLTON SAMUELS: Non-abstaining votes.

ALAN GREENBERG: And that's our current rule and after a long discussion we decided to keep it.

CARLTON SAMUELS: Non-abstaining votes. You can have eight people in the room and three decide to abstain.

TIJANI BEN JEMAA: I know, but Carlton, suppose we are five persons that vote yes or no, or four are against and we are only five people who vote like this. Is the vote valid with only five persons voting?

CARLTON SAMUELS: I would think that after the quorum is established, Tijani, I mean- Oh, you're arguing for saying that a quorum must be established. You're saying that.

TIJANI BEN JEMAA: Yes, yes.

ALAN GREENBERG: Remember, we're saying eight people voted. Oh because a vote can only be held if there's quorum in the group. We're now talking about how you recognize a winning vote. In this case at least eight people would have had to have voted; some of them may have abstained.

TIJANI BEN JEMAA: Exactly. We have to mention the quorum here.

ALAN GREENBERG: I believe it is already mentioned somewhere there.

CARLTON SAMUELS: Yeah, it's [understood] but I don't see anything wrong with making sure that we say it's a quorate.

ALAN GREENBERG: Okay, so we're saying making sure that... I think it's mentioned but we may want to point to it. I understand what you're saying now.

CARLTON SAMUELS: ...vote being quorate.

ALAN GREENBERG: So we want to reference the quorate rule somewhere in this section.

CARLTON SAMUELS: Yeah, that's all he's saying. I agree.

ALAN GREENBERG: Got it. I mean unfortunately it does say three people can make a decision for the ALAC, but that's the implication of having an eight-person quorum and having an abstention rule that says abstentions don't count. Okay...

TIJANI BEN JEMAA: No, we said, now here it is clear – there is no problem, the quorum is very clear.

ALAN GREENBERG: I will make sure it's clear. If I don't you will tell me. [laughing]

TIJANI BEN JEMAA: Alan, may I continue on 1.10.14.1 and 1.10.14.3?

ALAN GREENBERG: You certainly may.

TIJANI BEN JEMAA: Yes, what is the difference between those two cases?

ALAN GREENBERG: 1.10.14.1 says the Chair is allowed to cast an additional vote which will then-

TIJANI BEN JEMAA: Yeah, and 1.10.14.3?

ALAN GREENBERG: That says the Chair says “Let’s vote again.” Maybe someone changed their mind.

TIJANI BEN JEMAA: And what is the second vote and what is voting again?

ALAN GREENBERG: No, no, the Chair may cast a second vote. 14.3 says the Chair may call for a new vote of the ALAC.

[crosstalk]

ALAN GREENBERG: I’m sorry, we’re both talking at the same time. First Carlton, then Tijani.

CARLTON SAMUELS: No, I was just trying to help Tijani. The first one says that the Chair gets a second vote, which is to say the Chair may cast a tiebreaker vote – that means they literally get two votes. The second one says well, the Chair can say “Let’s discuss it some more and then call for a new vote” or the Chair would just go to a new vote without any discussion. That makes sense.

ALAN GREENBERG: Are you happy, Tijani, or do you still have a problem?

TIJANI BEN JEMAA: Yes, but “cast” here is for the Chair – that means that the Chair will cast a new vote but not the whole ALAC.

ALAN GREENBERG: No, just the Chair, and I think we need to clarify that it’s a new vote of the ALAC and it’s the Chair’s decision which of those the Chair picks.

TIJANI BEN JEMAA: Okay.

ALAN GREENBERG: Okay? We’re making good time. We’re going to run over I’m afraid but we may actually be close. Okay, the next one is 1.11.8 – this one there was a significant dissention on the list of what we want to do. The question here is do we want to have a rule which explicitly says that if someone is conflicted, they’re at the meeting but they are conflicted and therefore do not believe they can cast a vote – a situation which, by the way, I can’t remember ever happening. Typically ALAC members do not have conflicts on things so this is not a common case. “...may give an undirected proxy, that is give a proxy to another ALAC member but not specify how the vote is to be cast.”

The concern that was raised by Rinalia and I think agreed to by Maureen is that I as an ALAC member who is conflicted will give my undirected

vote to Tijani because I happen to know he agrees with me and is going to vote the way I would have voted anyway, therefore assuring that I am effectively casting a vote without going through the mechanics. So by picking who I give my proxy to I may be able to impact a decision.

I guess I feel that yes, that could happen but each member is voting as per their conscience and therefore I think that is completely within the bounds of reason. And it's a smaller risk to take than saying a region is going to be impacted because of a personal conflict of one of their representatives. So I tend to say, and I'll also add that I can make sure I have that vote by simply not showing up at the meeting and giving my proxy to someone. So I can affect the net result anyway by just not showing up or leaving the meeting early, so I think that's the cleaner way. Tijani, you have your hand up.

TIJANI BEN JEMAA: Yes, before discussing this point I would like to go back to 1.10.15.2. I don't think that the election or the selection of the...

ALAN GREENBERG: Which point?

TIJANI BEN JEMAA: 10.15.2...

ALAN GREENBERG: I'm getting to it.

TIJANI BEN JEMAA: Yes, I don't think the election or the selection of the At-Large Board member is part of this voting system or part of these cases. The election of the Board member and is displayed in 27, through 27 so we don't have to put it here at all.

ALAN GREENBERG: I would tend to put it there but say "as specified in..."

TIJANI BEN JEMAA: But it is not an ALAC meeting and it is not an ALAC vote. It is [left to] the RALOs.

ALAN GREENBERG: You're correct.

CARLTON SAMUELS: I think Tijani's decision is correct. Yeah, Tijani's correct.

ALAN GREENBERG: He's correct. It's not a vote of the ALAC.

TIJANI BEN JEMAA: Yes, so to move this point and we have to correct 1.10.16 in the last sentence, "ALAC Chair or the At-Large Board member" – it is the same, too, so we have to remove all the "At-Large Board member."

CARLTON SAMUELS: Good catch, Tijani. Good catch.

ALAN GREENBERG: Yeah, I'm a little bit worried that if we end up at some future time changing the Board selection electorate to be the ALAC, it's not likely to happen but if we were to then there might be a conflict viewed here. Okay, we can change it at that time.

TIJANI BEN JEMAA: Alan, yes, (inaudible) in this case.

ALAN GREENBERG: Okay, catch it then. Okay, good catch.

Back to the contentious issue – 1.11.8. Does anyone feel that we want to... I feel strongly at this point that we do want a rule saying an ALAC member who is conflicted may give an undirected proxy.

CHERYL LANGDON-ORR: I believe so, I agree. Yeah.

ALAN GREENBERG: Okay. Anyone want to speak against it on this call?

TIJANI BEN JEMAA: No, I agree also.

ALAN GREENBERG: Okay. Done.

TIJANI BEN JEMAA: But Alan, may I speak about 1.11.5?

ALAN GREENBERG: Sure you may. [laughing]

TIJANI BEN JEMAA: I'm sorry, but you give here the Chair the ability to have an unlimited number of proxies on the second order. Is it a good thing?

ALAN GREENBERG: I happen to think not. I happen to think that we shouldn't be giving proxies to chairs at all as a second order Chair. There were those on this call who outvoted me so to speak, who felt very strongly that it was important that if someone has a proxy but simply doesn't show up that the Chair gets those proxies. I personally did not agree with it but I didn't win.

CARLTON SAMUELS: No, the Chair can only get the proxy if it's ordered.

ALAN GREENBERG: Pardon me?

[crosstalk]

CHERYL LANGDON-ORR: It's directed, it's still directed.

ALAN GREENBERG: You're saying that if it's a directed proxy it should go to the Chair but not undirected proxies.

CARLTON SAMUELS: Not undirected, yes.

TIJANI BEN JEMAA: So not second order at all.

CARLTON SAMUELS: Not second order at all, thank you very much.

ALAN GREENBERG: No, no, but the second order is Tijani gives his proxy to me, I don't show up.

[crosstalk]

ALAN GREENBERG: I can only take one person at a time. Cheryl first then Carlton.

CHERYL LANGDON-ORR: Sorry, I was just saying that means that none of those votes, even though you hold a directed proxy from Tijani your car breaks down and

you're out there and not on the telephone or whatever, that means neither Alan's vote nor Tijani's vote is recorded.

ALAN GREENBERG: Correct.

CHERYL LANGDON-ORR: Just make sure you all know exactly what you're saying. I'll let it die in a ditch either way but it is very common for, if a proxy has been duly received – directed or undirected for that matter; it's very common for if a proxy has been duly received and the person who is named in that proxy is not present for whatever reason that then that proxy be cast, directed or undirected as it is, by the Chair. That actually allows the person who knows they can't be there to still have their voice heard. So I don't mind either way. I'm just saying this is a commonly found rule. If you don't want it, fine, but if you do want it make sure you know what it is you're wanting.

ALAN GREENBERG: Okay, and what was added to cover the case of a proxy being given to the Chair and the Chair votes... If I give it to Tijani because I know he agrees with me so I don't bother directing it, Tijani doesn't show up and it goes to the Chair...

CARLTON SAMUELS: What if the Chair doesn't agree with your position? Then it's undirected.

ALAN GREENBERG: And it goes to the Chair and the Chair disagrees, so that's why 1.11.5.1 was added saying the proxy giver can specify "Don't pass an undirected vote to the Chair."

CHERYL LANGDON-ORR: Yep.

ALAN GREENBERG: So I certainly have no problem with if a directed proxy is known to staff, and it will be, that the Chair get to exercise it. And I don't have a problem giving the Chair the discretion but I think a proxy giver should be able to say that we don't pass on undirected votes without conscious knowledge.

CARLTON SAMUELS: Yes, it must be a directed proxy and they must have a rule that says I can pass it on.

ALAN GREENBERG: Yes, this doesn't say that it must be directed. This says it's up to the proxy giver to decide whether an undirected proxy can be passed on or not. And it will be a tick box.

CARLTON SAMUELS: Okay, I can live with that.

ALAN GREENBERG: I can live with what it is. I would have preferred that we don't do it altogether but I understand the rationale for it.

HEIDI ULLRICH: Alan, this is Heidi.

ALAN GREENBERG: Go ahead, Heidi.

HEIDI ULLRICH: Yes, we have Olivier and Tijani with their hands up.

ALAN GREENBERG: I'm sorry, go ahead Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Alan, it's Olivier for the transcript and I'm really sorry I'm going to make your life even worse by asking a question: how does proxy voting affect quorum?

CHERYL LANGDON-ORR: It acts towards quorum.

ALAN GREENBERG: Proxy voting acts towards quorum of the vote, not quorum of the meeting. It's a proxy vote, not a proxy person. So if half the people give their votes to the other half and half of those who now have

proxies don't show up, there's only four people at the meeting, they could conceivably cast fifteen votes but they don't have quorum.

OLIVIER CRÉPIN-LEBLOND: Would the vote stand though as if they're voting in quorate?

ALAN GREENBERG: No, because there's only four people. That's not quorum.

CARLTON SAMUELS: There's no quorum. It has to be quorate, the meeting has to be quorate.

CHERYL LANGDON-ORR: Olivier, in that case it would go to an online vote or it would have to be an urgency call. So you sort of pick that issue up elsewhere.

OLIVIER CRÉPIN-LEBLOND: That's what I thought then – it's Olivier for the transcript. That's what I thought.

ALAN GREENBERG: Yeah, a quorate meeting with eight people, you could have a vote at the meeting where fifteen votes are cast.

OLIVIER CRÉPIN-LEBLOND: Correct, yeah. But if you have a non-quorate meeting then the proxy vote does not stand.

ALAN GREENBERG: The vote cannot start because you don't have quorate.

OLIVIER CRÉPIN-LEBLOND: Correct, so this is where I'm going effectively. That's the kind of answer I would want to hear, that's correct. So maybe a clause under proxy voting would also have to say that the proxy voting does not make a meeting quorate. It might be obvious for some but it might not be for others.

ALAN GREENBERG: I thought it actually said that somewhere but if it doesn't, it will. Okay, Tijani?

TIJANI BEN JEMAA: Yes, my big concern is that the Chair with multiple proxies will have a lot of influence on any decision. And I don't mind if his decision is very wise but if it is wise for certain and it's not wise for the others, so such an article for me is not very democratic. It is not democratic at all. So if the proxy holder doesn't show up we run the vote without him. If we have several who don't show up in this case we run the vote later.

ALAN GREENBERG: Okay, Tijani, do you have a problem if you give me a directed vote, you tell me to vote yes on a certain question and I don't show up, do you have a problem with the Chair casting that vote?

TIJANI BEN JEMAA: The same vote. No, I don't have any problem.

ALAN GREENBERG: Yeah, you said you are voting yes and you will vote yes whether it's me who votes as your proxy or the Chair because I didn't show up.

TIJANI BEN JEMAA: No problem for that. I told you I think if it's a directed vote it is not a problem.

ALAN GREENBERG: Yeah, and if you don't want to take the chance of that happening for an undirected vote, 1.11.5.1 says you can specify it does not get passed on. So you either trust the Chair to vote reasonably or you say no, the Chair can't take that vote.

TIJANI BEN JEMAA: But that's to [remove] that the proxy giver is aware of the fact that the proxy holder is absent.

CHERYL LANGDON-ORR: It's part of the formal proxy – sorry, Cheryl here. Alan, I think it's important to note that that very information, Tijani, has to be on the form of formal proxy. It has to be. If the rule exists it has to be on the paperwork.

TIJANI BEN JEMAA: Okay.

ALAN GREENBERG: Okay, and I've just added a note that 1.11.5.1 is something that is indicated when the proxy is originally given.

CHERYL LANGDON-ORR: Correct.

TIJANI BEN JEMAA: Okay.

ALAN GREENBERG: Okay.

OLIVIER CRÉPIN-LEBLOND: Alan? I've put my hand back up again.

ALAN GREENBERG: Yes, Olivier, go ahead.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Alan, it's Olivier for the transcript. I don't know, I cringe on this thing of proxies. I know that many feel that it is important but the sheer complexity of it, of proxies during secret ballots where the secret ballot, if the proxy holder is not there the whole proxy being passed on to the Chair; the Chair having to cast a vote but of course the secret ballot being kept – how in the world is this accountable? I don't know. I just wanted to put it on record. I am concerned about proxy

voting as well and I have seen the complexity of it in recent meetings and the potential for time wasting that proxy brings in. Now I know there is a demand by some for proxies so I will not stand in the way, but I just wanted to put this on record, thank you.

ALAN GREENBERG:

Anyone else? I mean the situation of you giving someone a proxy and they don't show up, it does happen. It's not a common occurrence I hope. From my point of view I'm not happy with these rules but I'm happy to leave them there, and when we have a bit more time we can consider it and amend them if necessary. Is that reasonable?

CHERYL LANGDON-ORR:

It is, Alan – Cheryl here for the record. Olivier, this is one of those times when I'm going to say to you "I hear what you're saying but just suck it up." Get the wonderful world of proxies formalized. If there is an insurmountable issue then you very quickly review your rules to make that issue never happen again.

ALAN GREENBERG:

Yeah, and you know, the proxy giver... If it's a secret vote and I trust Tijani to know how I'm voting but I don't trust Olivier then I can simply say "Don't pass the vote on."

CHERYL LANGDON-ORR:

Yes.

ALAN GREENBERG:

So I'm not totally happy with this but let's leave it and let's get some experience, and we have the ability to make the changes. Hopefully in the future we will make changes bit by bit and not wait for these massive rewrites. That's something we haven't been good at in the past but there's really no reason not to change one clause when something changes. Okay, no hands.

The next one is 3.2.3 and the question is, is the email guide an adjunct document? And I think generally people said "If you want" because we had this discussion a bit earlier. So my inclination is to make this an adjunct document but only referring to the main lists. We don't have to change it every time we had a working group list.

CHERYL LANGDON-ORR:

No.

ALAN GREENBERG:

Okay, 3.4 – I've added, there was a question on the list of should we explicitly say that members must be fluent in English or fluent or conversant, and there was a universal agreement that yes, we should make it explicit. I've added the rationale that most of the documents associated with ALAC and ICANN are solely in English or many; as such, all ALAC members must have a suitable level of [written] English proficiency. Is there anyone who has problems with this wording?

CHERYL LANGDON-ORR: Cheryl here. I don't have problems with it at all. I should just remind everybody that this is a specific recommendation out of the ALAC Review.

ALAN GREENBERG: It is very much a specific statement out of the Review saying that the ALAC operates in English.

CHERYL LANGDON-ORR: Correct. The ALAC Review absolutely specified this, that's correct. As long as everyone knows that, that's it. Thanks.

ALAN GREENBERG: Alright, that's the rationale when someone objects. Yaovi?

YAOVI ATOHOUN: Thank you, it's Yaovi. This first part I'm (inaudible) all of the ALAC meetings, meetings are conducted in English. But when we say that most documents associated with ALAC and ICANN are solely in English, my point is do we need to mention when we say "are solely," do we need... My point is if there is an option to have it translated that's fine. But if it's an important document it's like we are not opening the door at all, that if there's an option; because even an ALAC member who is very good in English he may need a document in other versions to share with his community. So that is my point regarding the second part of this sentence, thank you.

ALAN GREENBERG:

Yeah, in my mind anyway this does not at all alter the fact that we want to push for more translation and more simultaneous interpretation in proper venues. But it does say that for ALAC members, it doesn't say what we want you to have to share with the rest of your RALO. It says for ALAC members we are expecting people to be able to function in English because it is certainly, it is completely out of our domain to require that every other document, every public comment document be available in multiple languages. Some are and to the extent that they are that's a good thing. But we do not want ALAC members who can only do a third of their job because documents are not available in their language.

And the documents was added because I believe we don't just want oral or spoken English but we want people to be able to read it and preferably to write it. But I left it as a suitable level – we're not trying to define an English test here.

CHERYL LANGDON-ORR:

Cheryl here. I'm also keen for everyone who is an ALAC member specifically, remember we're talking ALAC members, to be able to for example be properly able to make contributions to comments from the workings of both the Support Organizations. And the GNSO and ccNSO, whilst ICANN has a translations and language services policy, the practicalities of the world is you'll find great variability in how much attention is given to language services in those SOs. Because of the diversity of the ccNSO you'll find that the language service policy has been used as an excellent tool and things are going out in as many languages as possible. I'd suggest that that may not be the case if we

were to look at the GNSO but we need to be aware of that and this is, I think, an important rule to have.

ALAN GREENBERG: Yeah, final PDP documents get translated; most other ones do not.

CHERYL LANGDON-ORR: Yeah, just operational day-to-day stuff is not.

ALAN GREENBERG: Okay, I think we have agreement. And next, 4.2 – the parenthetical-

CHERYL LANGDON-ORR: I can't read that on my screen, Alan – sorry, Cheryl here. My screen, the colors are just not working.

ALAN GREENBERG: Okay, then let me read it.

CHERYL LANGDON-ORR: Thank you.

ALAN GREENBERG: What it said before, and I will quote verbatim with a little thing in "sic" in brackets: "Detailed procedures as set forth in the At-Large document "At-Large Framework Formation at <http://www.at-large.icann.org/framework.htm> when these Rules of Procedure were last modified." So that last phrase, no one knows what it meant or why

it got there so I'm removing that, number one. Number two, I think we decided to remove all URLs and point to important things as documents and I've just made the changes. We need to change the name of the document which has the explicit rules for ALSes to an adjunct document and take out the URL and take out the extraneous phrase which should have never been there. Any problems with that? That's one other thing on our working list, to change that document to an adjunct document but it's not a hard thing – it's just the title.

And 4.3 says this adjunct document is deemed to be part of the integral part of the Rules of Procedure because the Bylaws say they are – something we've never adhered to. Any other questions?

HEIDI ULLRICH: Alan, this is Heidi, not a question but just to note that there have been some comments in the chat about typos that you may want to look at.

ALAN GREENBERG: Okay.

HEIDI ULLRICH: Further up, so it's Eduardo and myself, just very small typos.

ALAN GREENBERG: Okay, you've actually identified the typos, okay fine. We'll be capturing the chat I think, I hope so – someone will capture it?

HEIDI ULLRICH: Yes.

ALAN GREENBERG: Okay. I asked earlier that people not focus on typos because we really wanted to focus on substance. Now's the time that if people have typos, when I get out the next revision I'd like everyone to go over everything with a fine-toothed comb and you know, catch it at that point. I will make the corrections that are noted in the chat.

I note we've gone twenty minutes over but we actually have finished. There's one other comment that Heidi made, and that's on language policy; and that is "Does this imply we are adhering to ICANN policy?" And I thought I had made a change here but I don't see the words... Maybe it was only in my brain I made it. I would suggest we say "To the extent possible and practical and subject to ICANN Policy funding and sufficient demand," so add "ICANN Policy" in addition to ICANN funding. I was sure I typed that in some document but it's not there.

Is that to everyone's agreement? So that says over and above everything we have to follow ICANN policy. I think that means as language policy is adopted the ALAC will adopt it as well. I don't remember where I said that but I did say it somewhere.

Anyone else have anything? We've managed to cover it. We've only gone twenty minutes over which I think is rather spectacular. And I have a new edit to do; I'll get that out moderately quickly and we'll then open it up to any other typos or things like that.

I think we're getting close, people. I thank you all for your hard work and thank you for attending. Okay, bye-bye.

[End of Transcript]