

JULIA CHARVOLEN: Good morning, good afternoon, good evening; welcome to the ROP Drafting Teams Penholders on Thursday the 28th of February at 20:00 UTC. On the call we have Cheryl Langdon-Orr, Olivier Crépin-Leblond, Yaovi Atohou, Alan Greenberg, Natalie Enciso, Yrjo Lansipuro, Holly Raiche and Maureen Hilyard. We have apologies from Salanieta Tamanikaiwaimaro. And from staff we have Heidi Ullrich, Silvia Vivanco and myself, Julia Charvolen.

May I remind all participants to please state their names before speaking for transcription purposes, thank you very much, and over to you.

ALAN GREENBERG: Thank you very much.

CHERYL LANGDON-ORR: Cheryl Langdon-Orr here, thank you very much. If you can just give scroll control of the middle screen so that people can individually move up and down the document that would be excellent. If not, Silvia can do that. One of the two people in yellow can do that anyway. I am in yellow, yes I know that, but I'm operating off an Android tablet, so none of those facilities are available to me. Cheryl here again, or should I say still, I'm simply going to give you the worlds quickest of the call and then we're going to dive right into.

And we'll note that we have a hard stop at the top of the hour with another call coming in, so we'll say right now that we do not accept that

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the whole of this document will be necessarily gotten through in our less than 60 minutes call. So I believe that staff will be, either have already looked at some of the options for early next week, if not, a Doodle will be coming out shortly. So we'll move through as much of this now agreed document as possible.

The purpose of this call, let's be really clear, this is version – and I'm pretty sure it says 52 but I suspect it's [52.1]. We are not changing content, okay. We are looking for gross omissions and errors. We are not discussing on what should or should not be in it; we've done all of that literally to the nth degree. I'm going to note for the record here the heroic amount of work that so many of you have put into all of this, including some of the non-penholders like Rinalia. It has been an amazing experience and I think it's a quality document that we are near the very, very end of. I'm feeling in a penultimate mood at this point of late.

Alan Greenberg needs to be specifically called out for the record for [failing, or foul now I think we may believe] that he would hold the pen for all of you penholders and bludgeon this into a single synthesized document. That is what we have in front of at the moment and what we're now going to go through, highlighting the primary changes from our last set of full agreements. And what we are aiming to have at the end of, if not this hour, another hour to come on either the 4th or the 5th of March will be a completed document for ALAC to review.

I don't think there's anything else to say other than to get on with it Alan, who I'm at least, can I say, not a (inaudible) but very, very impressed with because I know there's a fantastic amount of work he

can do and does do. But it has been a huge task Alan and we all are very pleased and humbled thanks and gratitude. Over to you Alan.

ALAN GREENBERG: Thank you very much Cheryl, both for the intro and the kind words. Whoever on staff has control of the Adobe could we please have individuals have control over the PDF section of the screen so they can scroll and change the magnification?

CHERYL LANGDON-ORR: Someone push the “synch” button – s-y-n-c-h; synch button, bottom right. I don’t have one but I know where it lives.

HOLLY RAICHE: I don’t see one.

ALAN GREENBERG: No, no, someone on staff – Julia or Silvia have it.

HOLLY RAICHE: Thank you.

ALAN GREENBERG: They’re moving the screen but we don’t see the control yet.

CHERYL LANGDON-ORR: It won’t work unless we all have control.

HEIDI ULLRICH: Yes sorry guys. Let me just...

CHERYL LANGDON-ORR: Stop multitasking Heidi.

ALAN GREENBERG: Okay, yay, thank you.

[crosstalk]

HEIDI ULLRICH: Does it work now?

ALAN GREENBERG: Now we have it.

HEIDI ULLRICH: Okay, I'll let them know how it works.

CHERYL LANGDON-ORR: Thanks Heidi.

ALAN GREENBERG: Oka, now I'll point out I'm working from a paper copy and an other version on my screen to help me make notes about what has changed,

so if someone has a hand up and I don't notice it please someone yell out and tell me or that person yell out. One minor correction on what Cheryl said, there are a very small number of items which still need to be discussed via substance. I'll call them out when we get to them, but there are a very small number like that.

CHERYL LANGDON-ORR: I'll encourage you to have short conversations about them.

ALAN GREENBERG: I hope so because I think we have closure on most of them.

CHERYL LANGDON-ORR: That was Cheryl intervening. Over to you Alan, let's go. What page?

ALAN GREENBERG: Thank you. Well just the description first of all. The definitions and defined terms has grown to be longer than I feel comfortable with. The intent was to only put things there which are used in multiple places separate from where it is defined. So in other words, if it's used in section 12 and defined in section 2 it should be in here. If it's defined in section 13 and only used in section 13 it would not be defined. There probably are some that have snuck in that don't have references like that, so they will be disappearing. Other than that, I think it is reasonably complete.

Of course if anyone notes anything missing, so be it, let me know. I've tried to clean up the formatting as much as possible. I'm sure there are

still some problems, but hopefully there are a lot less than we had before. The first thing I want to talk about is in 3.5, roughly page 6. And somebody has taken control of the screen back again, so we can't scroll our own screens. Thank you very much.

HEIDI ULLRICH: This is version 53, just so everyone knows; previous edits are 52, sorry about that.

ALAN GREENBERG: 53 or 52, it doesn't really matter. There are only minor changes, most of them in the table of definitions. In terms of formatting there's no content difference.

HEIDI ULLRICH: This is 53 then, just so you know.

ALAN GREENBERG: Okay. That was what we started with actually; I don't know when 52 got on. Section 3.5, I've added a term on the ALAC leadership team, that it's normally comprised of five members, and that on occasion we will have someone resigning, either from the ALT or from the ALAC, and there may be gaps on occasion. We don't want the group to be invalidated because it doesn't have an absolute number of five, so that was a simple change. I don't think anyone's going to object. Yaovi, please.

YAOVI ATOHOUN: Yaovi speaking. Sorry, is it possible to go back? You already mentioned that there are formal formats in (inaudible) programs we are going to fix. But I don't know if this is time to talk about something I noticed on the first page.

ALAN GREENBERG: You might as well since you already have the floor, but in general I'd like to get formatting comments and complaints electronically. But since you're talking, go ahead.

YAOVI ATOHOUN: Yeah, so maybe the general comment, the formatting issue we have on the first page, I'm going back to my screen on the first page, we have – can we have the first page on the screen?

ALAN GREENBERG: You can scroll yourself on the screen.

CHERYL LANGDON-ORR: Everyone has their own first page.

YAOVI ATOHOUN: Yes, okay. Let me find...I don't know what I'm expecting yet. Okay, so this is a different version.

ALAN GREENBERG: What version are you looking at Yaovi?

YAOVI ATOHOUN: Okay.

ALAN GREENBERG: 52 is the same as 53.

YAOVI ATOHOUN: Yeah it's correct. It is number eight, number eight. You can see number eight, so my comment is that.

ALAN GREENBERG: Yeah, I left that section in because if I remove that every other section in the document gets renumbered.

YAOVI ATOHOUN: Okay.

ALAN GREENBERG: So for this draft I've left it in so that we don't have any confusion that section 12 is section 12 regardless of which version you're looking at.

YAOVI ATOHOUN: Okay, thank you.

ALAN GREENBERG: Okay? Let's go back now to section 3.5. Okay, we did 3.5 already I think. That was just...

CHERYL LANGDON-ORR: I've got a hand up here.

ALAN GREENBERG: Yes, I don't see a hand up but...

CHERYL LANGDON-ORR: No my hand is up.

ALAN GREENBERG: Oh your hand is up, go ahead Cheryl.

CHERYL LANGDON-ORR: It is virtually, virtually. I remembered my tablet won't let me actually put my hand up. Yes is my answer to this, but we all need to recognize by saying it exactly this way it is probably one of the few rules that we, if and when the region number changes we need to come back in and alter. Most rules that have anything to do with regions within this document have been worded so that they are not numerically tied.

But that doesn't matter. I have no problem letting this run as is as long as those who are alive and sane, if and when we have six, seven or four regions, remember pop back in and change it.

ALAN GREENBERG: At which point if nothing else, the number of ALAC members will almost surely change and the number per region and things, so these rules will have to be revisited should these change.

CHERYL LANGDON-ORR: It's not an error. It's nothing we need to change now. But it is something that somebody, Heidi, needs to put in a file somewhere that this is one of the rules that needs updating if and when regional balance changes. And that's how it normally works. Sorry Alan, but (inaudible).

ALAN GREENBERG: Yeah but you're going to have to believe me, there's a lot of changes that will have to come in, not just that one. I noticed just a note on 5.9.8, there's a reference that needs to be fixed. It will be fixed.

CHERYL LANGDON-ORR: Give people a chance to skip through.

ALAN GREENBERG: Okay, 5.12.1 –

[crosstalk]

CHERYL LANGDON-ORR: That's page eight for people who are trying to go by page number.

ALAN GREENBERG: Thank you Cheryl. This is one there has been substantive discussion on the mailing list, not the list but on the emails for this review group. That sentence that's highlighted is "What happens if the Chair must restrict

someone’s posting rights or delete a post” or something like that because of perhaps legal action because of improper action, and there is no opportunity to consult with anyone ahead of time. Those who have been Chairs have told me that when this happens it happens quickly and there is no time to call for telephone calls and things like that.

We have suggested that after the fact, the ALT, the leadership team, the current wording is “the advised” of what is happened. Tijani felt that really we need to say “has to get the approval of the ALT”. My position is there’s not really much difference because in either case, if they’re advised and they don’t like it, or they don’t give the approval a decision is going to have to be made – do we get rid of the Chair because it was such a bad thing to do or do we just live with it or whatever. Do there’s not much difference.

Rinalia has suggested that instead of “seek approval” it’s “seek validation” of the action. The question is do people here have strong feelings? Tijani is not on this call unfortunately. I believe he was the only one who was pushing for the “approval”. Can we have a consensus of this call about which way do we go? Anyone like to speak to it, does anyone care?

CHERYL LANGDON-ORR: Cheryl.

Can I put my hand up after Cheryl, please?

ALAN GREENBERG: Yes Cheryl, go ahead.

CHERYL LANGDON-ORR: Okay, holly, hopefully I'm not going to say what you're going to say. And here I'm speaking as a Chair who has had to [embrace] this current rule, and it is a current rule; it is not new, it's something that is written better but it is exactly in the activity of what we do now. This is one I argue strongly to go no further than validation on. There are many times, now by many I can count them on one hand so that's a pretty big handful, where the necessity to bring sanction upon a list member also means that other actions that are going on means that the Chair is unable to even discuss the details or not of any great amount of the details, because it's already been removed and no one can see it anyway.

So in terms of damage control, I'm perfectly happy to go for "validation" because an ALT that is intelligent and not looking to find themselves individually, or should I say jointly or severely in a somewhat felicitous environment will clearly see the wisdom of the action and go along with it. So "validation" is fine; "approval" I totally object to because you will be asking your leadership team in some circumstances to approve of something that they literally have no ability to have a specific knowledge of. So you can validate something on principle and not approve it on principle. Thank you.

ALAN GREENBERG: Alright. With that rather impassioned plea, I would suggest that we omit as one of the options “approval”, and we’re talking about “advised” or “seek validation”. Holly, you wanted to speak?

HOLLY RAICHE: I’m comfortable with either “advised” or “validation”. I do agree with what Cheryl said; I’ve not been in the position, I think she’s in a better position. My two comments would be, number one, the Chair has been selected; we ought to at least trust the Chair. And number two, we have to trust that the Chair is not going to act unless the Chair has found real reason to. So “seeking approval” requires...

ALAN GREENBERG: Okay but Holly, let me interrupt. We’ve already taken “approval” off the table. We’re now looking for whether we want “validation” or whether we want “advise”.

HOLLY RAICHE: I think the two are pretty close, I’d be comfortable with either.

ALAN GREENBERG: Okay you don’t have any advice for us then. Yaovi?

YAOVI ATOHOUN: Thank you. I’m sorry, I was not, I couldn’t hear very well what Cheryl said so excuse me if I’m repeating something. My point is about 5.12.3 – this is the only one action for which I see the Chair consulting other people because for the first two, there may be very urgent and

(inaudible) the Chair. So my point is that this [variation] on consultation is more important for me for 5.12.3 where there is a need to [escort] somebody. So this consultation is more important for me for this type of action, but not necessary for the first two. Thank you.

ALAN GREENBERG:

Okay thank you. I'll let Cheryl speak up if she wants to, or Olivier; I'll get my two cents in because I've been in rooms where someone had to be escorted out now. There is no time to consult on that. You do it and then maybe people chastise you for it. But I'll Cheryl and Olivier speak up.

CHERYL LANGDON-ORR:

I was going to say Alan indeed that was a fun time, indeed. But yes, the people on this call need to know we have actually had to exercise, in the wonderful world of ICANN, the requirement to have security escort, immediate sanction and escort. So trust us, it's not a situation where you can sit down and talk it out.

ALAN GREENBERG:

Yes, mind you there are other people watching so they will have plenty of time to criticize afterwards should they feel you did the wrong thing.

CHERYL LANGDON-ORR:

Oh yeah, you can't change your mind in ICANN without five people knowing about it. Nothing is going to be secret.

ALAN GREENBERG: Yeah. So Yaovi, I really don't think in 5.12.3 we can do anything. But you're saying in 5.12.1 you're happy with either "advise" or "seek validation"?

YAOVI ATOHOUN: Yes.

ALAN GREENBERG: Anyone else want to speak? At this point, I'm the only one giving a preference for "advise" over "validation". I don't want to be the ruling one. Olivier, are you online? I see you're on Adobe.

OLIVIER CRÉPIN-LEBLOND: I certainly am online Alan, it's Olivier for the transcript record. I haven't been in that situation so I think I'll go along with your preference on this. Because I certainly have not been in a situation where this was required at the time.

ALAN GREENBERG: I'm sorry. I thought you said you were. We're talking about .1 now, not .3

OLIVIER CRÉPIN-LEBLOND: Oh, I thought you were talking about .3, sorry about that.

ALAN GREENBERG: No, three we've discarded; .1 – "advise" or "seek validation".

OLIVIER CRÉPIN-LEBLOND: Yeah I mean I would prefer “advise”, but “seek validation”; in any case, both are going to result in the same thing. Invariably the ALT will say “good job” or we’ll say “no, we don’t agree”, but the deed will have been done anyway, so what does it change on the basis of that?

ALAN GREENBERG: And I think in both cases the Chair may be in a position where the Chair has to say to the rest of the ALT “I can’t tell you the details, but...”

CHERYL LANGDON-ORR: That’s right.

OLIVIER CRÉPIN-LEBLOND: Exactly.

ALAN GREENBERG: And I think either of them will work in that case. Okay, so I think there’s a tendency, if we want to err towards the more conservative one, we’ll use the “validation” one.

CHERYL LANGDON-ORR: And can I – I’m happy with that, Cheryl here. I’m happy with that because I think those, the rest of the 15 who have to talk about this who have never been in the situation nor even had association with such things as yet, aren’t they lucky little [chucks], will feel comfortable enough with “validation”. But I do want to be on the record having

been there, done that and got the t-shirt, my personal, purely personal view is actually just for “advise”, but that’s probably because I have a more...Machiavellian lifestyle. But yes, “validation” I think will get through.

ALAN GREENBERG: Okay. The wording is awkward. We end up “will and/or seek validation from the ALT”, which I’d be at pains to explain what that means.

CHERYL LANGDON-ORR: Well, sometimes rules are like that.

ALAN GREENBERG: Okay. Cheryl how about you and I talk about this afterwards? No one else seems to have a strong feeling and we’ll deal with this and decide what comes out of it, okay? Next thing we have is section six, the title and 6.1.

OLIVIER CRÉPIN-LEBLOND: Alan, my hand was up.

ALAN GREENBERG: Yes Olivier sorry, go ahead.

OLIVIER CRÉPIN-LEBLOND: Thank you Alan, it’s Olivier for the transcript. I think that “seek validation”, if one was to be a fly on the wall would be something of the type, at least how I imagine it to be, something of the type “this is what

I've done, do you agree", rather "Than this is what I've done" without the "do you agree". In any case, knowing how voiceful the ALT is, whether there is just "advise" which says "This is what I've done" or whether there is the question afterwards which says "do you agree" I'm absolutely convinced that the ALT would be saying whether they agree or not.

ALAN GREENBERG: Of course, that's why I said that I didn't think there was any difference.

OLIVIER CRÉPIN-LEBLOND: Yeah it's awkward. It comes down to the bottom. The only response would be the response of the Chair if the ALT does not agree, then the Chair might just say "Well, sod off then", but that's a different thing and that's something which would happen with the Chair and the ALT.

ALAN GREENBERG: Again, regardless. Okay, thank you Olivier. Section six.

CHERYL LANGDON-ORR: Alan, Cheryl here. Why did you miss...

HOLLY RAICHE: Why did you miss 5.14.2 which has...

CHERYL LANGDON-ORR: That's what I was going to ask, Holly.

ALAN GREENBERG: Oh sorry. That was – I’m trying to think what that...

CHERYL LANGDON-ORR: Prior to Olivier putting his hand up – it’s Cheryl here for the transcript record.

ALAN GREENBERG: Oh okay, sorry you’re right. I didn’t realize that the comment was pointing to that one. Okay, that’s the situation where the Chair has disappeared, has not assigned responsibilities to anyone. We have two-vice Chairs and they can’t come to agreement who’s going to be the Chair. The original version I had is, in such a situation, staff will carry out a random selection.

CHERYL LANGDON-ORR: Flip a coin, yep.

ALAN GREENBERG: Flip a coin, whatever. Olivier, Rinalia said it should really be staff doing the selection. Olivier had some problems that staff should not be in a position of selecting leaders. There was a suggestion that either we keep it as “random selection carried out by staff” or “selection by staff in consultation with the ALT and a random selection if they can’t come to any agreement”. I’m happy to leave the simple version. The reality is if we’re ever in this situation people are going to talk to each other.

HOLLY RAICHE: Alan, it's Holly. May I ask why the ALT would not be doing this job and why staff should make a decision rather than the executive itself?

ALAN GREENBERG: Well, the ALT is scattered around the world. You may not be able to convene an ALT meeting at any given time. And we're trying to make sure that the ALAC has a Chair, someone who at least on an interim basis can act as a Chair.

CHERYL LANGDON-ORR: Holly, Cheryl here. We're talking about a random selection. The rule already says two vice-chairs are fighting over, if the two vice-chairs cannot agree, who is going to be the interim Chair, meaning someone should flip a coin. That's what we're saying.

HOLLY RAICHE: I know, I'm just...

CHERYL LANGDON-ORR: So I actually, I actually think if they do the "other ALT member consultation" as Alan is suggesting, that that's far enough. What we're talking about here, let's be really, really dumbed down here, is the difference between Heidi being able to flip a coin and make an announcement, obviously having the two competing vice-Chairs as part of that process, and the rest of the ALAC perhaps not knowing that there was such discord, which might be a good thing.

Or Heidi being able to talk to the other non vice-chairs – the vice-chairs know they're in conflict, bringing in the rest of the ALT and saying "we need to flip a coin, I'm going to do it at this time"; that's the difference of just being able to have that action of flipping a coin or discuss with the full five member team in whatever way possible, but not necessarily convening a meeting, but members of.

This is why Alan's written in his alternative thing is if you can get on to the person who is in Antarctica on a field trip it doesn't matter because she consulted members of the ALT, not all of the ALT.

ALAN GREENBERG: Cheryl if I may interrupt, I've just penned a change and maybe this will make everyone happy. I'm suggesting changing 5.14.2 to start "One of the vice-chairs by mutual agreement of the vice-Chairs in consultation with other ALT and ALAC members".

HOLLY RAICHE: Thank you.

CHERYL LANGDON-ORR: Yep.

ALAN GREENBERG: So they can bring other people into the discussion. They don't only have to have a private discussion.

CHERYL LANGDON-ORR: That's fine too.

ALAN GREENBERG: I don't think it alters what would happen in reality, but we're putting that into the rules. Okay? And I'll do a similar thing in 5.14.3.

HOLLY RAICHE: At the end of the day though my point in principle, and it still has not been responded to, is if we're all over 21 on a team and we can't resolve something, and we actually can't go running off to our little parents to say "please solve it for us" it looks a little silly, frankly. And I just think I'd like a clear process. Why can't a member of the ALT actually flip the coin; why aren't we responsible for ourselves?

CHERYL LANGDON-ORR: Well Holly, if I may. Exactly the same reason that we'll often use staff as returning of the (inaudible) in a selection process.

HOLLY RAICHE: That's absolutely different.

[crosstalk]

ALAN GREENBERG: Okay, may I take control back as the Chair?

HOLLY RAICHE: Yes please.

ALAN GREENBERG: What we're trying to do is draft rules which are bulletproof and ensure we have a Chair. If the people quibbling among themselves cannot come to an agreement, we want a fast out, period. Should it not be necessary? Of course it should not be necessary.

HOLLY RAICHE: Okay, look, discussion for later. I'll live with your modifications; you've heard my point of view.

ALAN GREENBERG: Okay. Look, this is going to go to the ALAC. If you want to draft an alternative wording we can put it to a vote or critique it and see if we believe it's workable, fine.

HOLLY RAICHE: Okay.

CHERYL LANGDON-ORR: Cheryl here, just on that though, this is going to go to the ALAC, but if the ALAC puts this under significant rewrite I'll not only be very disappointed, I'll also be somewhat fearful. Because you have got half of the ALAC are the penholders already. And on the same principle Holly as you've just discarded, we really ought to be able to come to a predetermined agreement beforehand. It is, this is a belts, braces and

bulletproof vest section. If you have vice-chairs who cannot agree, you may very well have a dysfunctional ALAC.

And [Juan] needs to take interim from [Charles], so a coin needs to be flipped, it will be flipped as quickly as possible. But yeah, I agree. It's going to be a very sad and pathetic thing if the ALAC, in fact if we were up to using this rule, Holly, the very next thing we would probably be doing is dissolving the ALAC. And so the interim Chair would probably be appointed to wrap the whole thing up, and stand in front of ICANN and say why it was failing.

ALAN GREENBERG: I think our real problem is going to be finding someone who's willing to be Chair, not having people fight over it.

CHERYL LANGDON-ORR: Exactly.

HOLLY RAICHE: Okay, moving right along now.

ALAN GREENBERG: Moving right along.

CHERYL LANGDON-ORR: Who wants to commit political suicide; that's going to be the question.

ALAN GREENBERG: Moving right along, section...

OLIVIER CRÉPIN-LEBLOND: Hands up!

ALAN GREENBERG: Yes sir.

OLIVIER CRÉPIN-LEBLOND: Alan, it's Olivier for the transcript. Can you see the hands or?

ALAN GREENBERG: I can if I look up at my screen.

CHERYL LANGDON-ORR: (Inaudible) hand up.

OLIVIER CRÉPIN-LEBLOND: You have two eyes and two ears, so use them [laughter]. No, just kidding. Alan, I think that to rediscuss and reopen text when the ALAC actually reads through it is probably not going to be that great.

ALAN GREENBERG: I hope that's the case and I thought I sent that message.

OLIVIER CRÉPIN-LEBLOND: I hope that if Holly can supply alternative text on the list after this call, or in the next 24 hours or so, we can discuss that on the list. For the

record, I'm happy with the "random selection by staff", but if Holly has another idea that might even be better than that then it would be great to be able to consider it. However, it needs to be something quick, because discussing it at the ALAC level will basically give advice to opening everything up as well, and it's just going to...

ALAN GREENBERG: I agree. I take back my offer of what Holly should do. And by the way, of course you're happy with it, you've already been run over by a truck.
[laughter]

CHERYL LANGDON-ORR: I think literally, the Chair has a heart attack at the table. The EMTs have left and now neither of the two vice-chairs sitting on the left or the right hand side, for whatever reason can agree who's Chair. This is the situation we're talking about.

ALAN GREENBERG: Cheryl if the Chair cared he would have appointed a replacement before the heart attack.

CHERYL LANGDON-ORR: Uh, well most chairs probably would manage that, so we might need to go for the head shot assassination, but whichever.

HOLLY RAICHE: Moving right along.

ALAN GREENBERG: Alright, can we go ahead?

HOLLY RAICHE: Yes please. It's now you've got 25 minutes to get through the rest of this document.

CHERYL LANGDON-ORR: It's not that much actually, that's the...

ALAN GREENBERG: I'm not convinced we're going to get through the rest of the page at this point.

CHERYL LANGDON-ORR: We've got it; move on!

HOLLY RAICHE: I have told you to move on.

CHERYL LANGDON-ORR: I can't move my screen again people.

ALAN GREENBERG: Okay, 6.1, a suggestion from Rinalia that using the word "administration" sounds bureaucratic and we want to kill all tones of bureaucracy. It was added because other people objected to the fact

that the ALT manages. Where do we go on this one, I don't much care?
Anyone, Cheryl, Olivier?

HOLLY RAICHE: My gut feeling, in fact, if you're managing you are administrating. These rules are themselves bureaucratic; you can't escape it. Can we just wear the reality and put both and leave it?

ALAN GREENBERG: Fine. I can. Anyone want to fight for removing it? Rinalia is unfortunately not here, but she has basically said she's not unhappy with the document as it stands.

HOLLY RAICHE: Well let's move on.

ALAN GREENBERG: Okay, leave it alone.

HOLLY RAICHE: Move on, here we go.

ALAN GREENBERG: Okay, the next note I have of red, hold on, we're making really good progress.

CHERYL LANGDON-ORR: Yeah we might actually make it through.

ALAN GREENBERG: And we're on 11.3.2.

CHERYL LANGDON-ORR: Page 13 for everyone else in the world.

ALAN GREENBERG: Page 14 on mine, but maybe 13 for you, okay. This was a simple discussion of why do we have the documents there. I think this one actually came from Holly.

HOLLY RAICHE: Oh yes, yeah okay.

ALAN GREENBERG: The reason for not having this is we don't want to have to change the Rules of Procedure if we add or subtract an adjunct document. But if we add or subtract an adjunct document it's because we changed the Rules of Procedure. So, I think this is as good a place to put it as any.

HOLLY RAICHE: Okay, my only comment was if we put something in are we going to have to go through another torturous process because we added another document. So as long as the wording allows for the development of additional Rules of Procedure fairly simply, then I'm comfortable.

ALAN GREENBERG: Holly, my belief is this document is good enough shape that when we make changes from now on we will change the Rules of Procedure. It will not be torturous because they're clean enough that we should be able to know how to change it, unlike the previous ones were we deferred adding the ExCom for four years because no one wanted to suffer the pain.

HOLLY RAICHE: Is that a warranty that is subject to trade practice law?

CHERYL LANGDON-ORR: Only for seven years, but yes. [laughter]

ALAN GREENBERG: And I notice there's two kinds of dashes in section 11.3.2; I'll fix that. Next, 11.

OLIVIER CRÉPIN-LEBLOND: Hand up!

ALAN GREENBERG: Hand up?

OLIVIER CRÉPIN-LEBLOND: It's Olivier for the transcript. I'm not used to shouting out like this. Alan, 11.3.2, so you've got these names, ROP adjunct 01 – Matt and I have had a call together to develop actual file names and reference codes. I would be pretty happy to have the file, not the file names

sorry, the reference, document reference codes to be put in there. For the reason that if one is looking for these adjunct documents, these are structured in such a way that if you go on Google Worldwide and do a search on that, it's highly likely that it will be the only document out there in the ether that will have that reference code. So they will be easily found.

The only problem though is that if the reference code, which does have revisions in there, changes, you would need to be able to make a change to the reference code in the rule. And I'm not quite sure legally how that works; I'm no lawyer. Does one need to have one clause which says that reference codes may change or not without needing to reopen the whole thing? I don't know about that.

ALAN GREENBERG:

Okay. Olivier, that is exactly the reason I did not put in the long formal reference code. I've created a reference code which will be unique in all of Google; I can pretty well guarantee this. And it doesn't change when we revise these documents. These documents were put into adjunct documents and not in the Rules of Procedure so we could change them more easily. So we are expecting them to change on a regular basis.

So I don't mind if there's a formal document number that is over and above these, but I would prefer to keep something like this, and since the title is probably unique throughout all of Google but maybe not, I created these very unique document numbers.

OLIVIER CRÉPIN-LEBLOND: Alan, it's Olivier for the transcript. Unfortunately you have created that title but you've made the major mistake of sending that into a file onto the discussion lists, which if you check with Google right now, has already been indexed by Google. So you won't only end up with that document, but will end up with all of the discussions around that document. And it would be very difficult for someone to find which one is the real one.

ALAN GREENBERG: Can we have this one offline please? It's between me and Olivier. I think we can...

CHERYL LANGDON-ORR: Cheryl here, just one way out of this, and it's the way for example the Australian Air Traffic Authority does it for all of their pilots, in fact I think several air traffic authorities do it and I've done it on emergency [medicine] manuals. It's that you have an integral part of your Rules of Procedure and it's [a line] that the index overrides everything else; a separate page which has the most current version of whatever adjunct documents exist. And it's incumbent on the owner of the rules to keep that up to date.

So have your conversation offline, but that is how the very complicated systems do it.

ALAN GREENBERG: And I note we are very, very bad at keeping things up to date which have to be kept up to date.

CHERYL LANGDON-ORR: Well that could be a staff responsibility, people who you pay to do things normally do what they're told or should do as in their job description or sometimes they get fired or fined...

ALAN GREENBERG: Cheryl, I stand by what I said, but let's handle this one offline. You can be part of the discussion too if you'd like.

HOLLY RAICHE: Moving right along.

ALAN GREENBERG: I'm going to try.

CHERYL LANGDON-ORR: (Inaudible).

[crosstalk]

ALAN GREENBERG: I'm sorry. There's a discussion going around, I'm not sure what it's about.

CHERYL LANGDON-ORR: Cheryl here, I was just saying page 14, 11.6.1.

ALAN GREENBERG: Okay. Yaovi asked in one of the revisions whether we would give dial outs to people who simply said “I want to join the call”. It was a good question. Even dial ins I believe cost ICANN money. If suddenly there were 300 people on this call instead of 12 I believe the costs are different, so... Yes go ahead, Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you Alan. I think you missed 11.4.1; you didn’t go through that. And that actually relates to, actually links in with one of Sala’s comments with regards to the use of “Charles should”, etc.

ALAN GREENBERG: Can we come back to it after we finish discussing this?

OLIVIER CRÉPIN-LEBLOND: Sure.

ALAN GREENBERG: Thank you. What I’ve put in here is, if I can find it now, “Sound recordings and transcripts be available on a timely manner where technically possible and cost effective; live access will be provided where practical”. So it’s a judgment call to what extent we allow live access and what the exact mechanism is. Everyone happy with that?

HOLLY RAICHE: Happy with that, thank you.

CHERYL LANGDON-ORR: Yes that's a good one; back up a page.

ALAN GREENBERG: Okay, back up a page now. "All meetings should have an agenda preferably published" – okay. The question is there is already the word "should", do we need or want the word "preferably".

OLIVIER CRÉPIN-LEBLOND: Hands up.

ALAN GREENBERG: Yes go ahead.

OLIVIER CRÉPIN-LEBLOND: Sorry Alan, I'm a real nightmare today. I don't know why. I should check with my therapist. It's Olivier for the transcript record. 11.6.1, I'm cringing about the "sound recordings and transcripts will be available in a timely manner where technically possible and cost effective"; I'm worried about the "cost effective" thing because without any sound recordings, without transcripts I'm really worried about the transparency of the process of an ALAC meeting that takes place without those basic things.

ALAN GREENBERG: We've never had...

OLIVIER CRÉPIN-LEBLOND: Maybe not transcripts but certainly sound recordings.

ALAN GREENBERG: Okay.

OLIVIER CRÉPIN-LEBLOND: And one of the reasons for it being that the ALAC ExCom meetings on Friday morning, I do not want them to be suddenly cut off from sound recording and whatever and having to conduct the meeting with just microphones and a pen and paper. That's just not an option.

ALAN GREENBERG: Okay. Olivier you don't have to fight for it. All you're saying is you believe sound recordings should be mandatory.

OLIVIER CRÉPIN-LEBLOND: That's my feeling.

ALAN GREENBERG: Then fine, done. Anything else?

HOLLY RAICHE: Alan?

ALAN GREENBERG: Yes.

HOLLY RAICHE: Could I just point out – this is Holly for the transcript record. If you take, in fact, the adverb phrase “available in a timely manner”, I don’t think what’s being called into question is that they will be available. It is whether they will be available in a timely manner. So if that’s, and I have to, that’s the way I read it, not that they won’t be available, but the timely manner is in other words it may take a bit more time than we would like, but they will be available.

Now maybe we should reword it because clearly Olivier picked up a meaning I did not frankly pick up.

ALAN GREENBERG: Okay. The way I am reading this now is sound recordings will be generally, and there may be exceptions, be available in a timely manner.

HOLLY RAICHE: Yes.

ALAN GREENBERG: Transcripts may be available in a timely manner – I’m sorry, the sound recordings also has the word “technically possible”. Sound recordings where technically possible will generally be available in a timely whatever. The cost effective will only be on the transcript part.

HOLLY RAICHE: Fine.

ALAN GREENBERG: Everyone okay with this? No hands? Tick, yes thank you, Olivier. I've lost track of where we are now. I think we're back at 11.4.1, and the question is do we leave the sentence as "all meetings should have an agenda preferably published ahead of time".

HOLLY RAICHE: (Inaudible) preferably.

ALAN GREENBERG: If we leave it – go ahead Cheryl.

CHERYL LANGDON-ORR: Cheryl here, I still like preferably. It should have an agenda, absolutely. Preferably published ahead of time as opposed to published ahead a time just leaves a tiny bit of wriggle room for when unpredictable things...

ALAN GREENBERG: That's what my feeling was also. That one is talking about the existence, the other is talking about the timing.

HOLLY RAICHE: Okay.

ALAN GREENBERG: So I say leave it as; Cheryl says it. No one else has a hand up. Olivier still has a tick mark which we'll take to be for this.

CHERYL LANGDON-ORR: [laughter]

ALAN GREENBERG: Hey I'm learning some tricks as Chair.

OLIVIER CRÉPIN-LEBLOND: It was my second tick mark.

ALAN GREENBERG: Okay, next item that I see any comment on is 12.2.2.

CHERYL LANGDON-ORR: Page 18 for everyone else in the world.

HOLLY RAICHE: Yeah that's fine.

ALAN GREENBERG: And what does it say? This allows a different process to be – okay. This was, there used to be a section saying, somewhere, I don't remember exactly where it was, but it said if any of the rules here differ from the rules in the Chair selection process they have precedence. And Rinalia felt that was a rather vague statement and why can't we simply make sure there are no conflicts. I went through them with some detail, and the only places I found conflicts in, there were other things other than the Chair selection, was in vote counting.

That is normally we count abstentions, we don't count abstentions for a number of things including selection of the Chair, removal of an ALAC member, recall of an ALT member. We need a percentage of the sitting ALAC, that is everyone can't copout and say "I abstain" so they don't take part in the decision. If everyone abstains then it doesn't pass. So we needed an exemption from the "All votes are counted this way" and that's what this exception, that's why this clause was added.

And I've given examples, I think they're exhaustive, but I'm not 100% sure they're exhaustive which is why I called them examples. Everyone happy? No hands? No one yelling?

HOLLY RAICHE: Yes

CHERYL LANGDON-ORR: Happy, happy, happy.

ALAN GREENBERG: Good, good, good. 14.2.3 – there was some question about in various places we used to say "you will do this on the public list" or something like that.

CHERYL LANGDON-ORR: Oh god yes, bane of my existence; Cheryl here.

ALAN GREENBERG: Sorry?

CHERYL LANGDON-ORR: Cheryl here. That text about existing rules is the bane of my existence.

ALAN GREENBERG: Oh okay. There are several issues with it. Number one we have multiple public lists. Number two, they actually call for something's on public lists which our current principles say you would never, ever, ever do on a public list; that is shame someone and say we're about to fire you. How those got written we won't even talk about now, but they did. What this says is it takes out of the rules the details of how you distribute information. It will be in a document and you'll be seeing, the ALAC will be seeing something on that document very soon.

And it's called distribution lists because it's not necessarily mailing lists. Some things it might say "go to this person" or "got to these people" or something like that. So I hope there's no one with any problem with this. I see no hands.

CHERYL LANGDON-ORR: I like it.

ALAN GREENBERG: I hear no voices.

CHERYL LANGDON-ORR: Only affirmation from me.

ALAN GREENBERG: Okay.

HOLLY RAICHE: Moving right along.

ALAN GREENBERG: What I've tried to do on a lot of these things is make it so that we don't have to say "That's a rule but we're not going to follow it this time"; that we can actually make sure we follow our rules by making them flexible enough to apply. I know it's a weird concept.

CHERYL LANGDON-ORR: [Not weird] for ALAC.

ALAN GREENBERG: We may actually finish this document today, no we only have...

CHERYL LANGDON-ORR: Yes I'm hoping to be surprised-

[crosstalk]

ALAN GREENBERG: Okay then we have to move quickly. 17.3.6 – this is a catch all paragraph that says we have to select ALAC members, hopefully we'll be able to do it congenially. We may have to do it by ballot if there is contention. And the question is do we do this as a normal vote of the

ALAC where abstentions count, for instance. Do we do it where abstentions don't count? Does it need to be an action of the sitting ALAC, as the selection of the Chair is?

I think we should use our standard rules – abstentions count, you know, abstentions count as abstentions; we don't count them. Whoever is available for the vote is available for the vote. And of course, we can extend votes, like any other vote we can extend it to catch people who aren't in the room at the time. And I would suspect we should add we'll optionally include – Cheryl, what's the expression for...?

CHERYL LANGDON-ORR: Run-off

ALAN GREENBERG: The automatic run-off.

CHERYL LANGDON-ORR: Yep, instant run-off.

ALAN GREENBERG: Instant run-off as an option if necessary. In other words, give flexibility to the group at the time. We don't know what the exact details are going to be, but provide some guidance.

CHERYL LANGDON-ORR: And if you need to use instant run-off, that's a very specific thing; it's already established and we actually have boringly detailed explanations on it in the ALAC documentation.

ALAN GREENBERG: Okay. Everyone happy on that one? Okay. Next one I see is 18.3.

CHERYL LANGDON-ORR: That's just a yes as far as I'm concerned. There's agreed, agreed, agreed.

ALAN GREENBERG: Yeah, this one is basically formalizing what we did for the ATRT selection. And again, giving flexibility to the group to form the committee as necessary, but saying it's a sanctioned way to do it.

CHERYL LANGDON-ORR: Yep. The whole of 18 from my perspective, this is Cheryl, is just agreed, agreed, agreed.

ALAN GREENBERG: Good. 19.1 – oh that was a note to – Rinalia came up with much better wording that said it far clearer. I took the words out of the Bylaws and I think we can choose to leave the words as they're worded in the Bylaws.

CHERYL LANGDON-ORR: I agree. Cheryl here, they have to be what it is in the Bylaws. If we start bringing the text it's too difficult.

ALAN GREENBERG: Yeah. Her version would have amounted to exactly using the same thing just using different words, and somewhat more generically, but so be it. 19.11 – this one is on selection of the Board seat, so it is a critical one. The current rules, which were molded but changed into these, called for the 15 ALAC members plus RALO Chairs to feasibly some of those positions might be vacant. I would suggest that we have a paragraph akin to 19.7.1 that is if a – 7.1 says that if one of the electors is a candidate, the region can select someone else for the purposes of that vote.

I suggest we do the same thing here so that we maintain full representation in terms of number of votes from each region.

CHERYL LANGDON-ORR: I think that language is wise to put in there; Cheryl for the record.

ALAN GREENBERG: Okay. Why we didn't have it last time I'm not sure, but that's history.

CHERYL LANGDON-ORR: Cheryl here again. If we can just make sure that where it says "15 ALAC members" perhaps it should say "the entire ALAC" and then using the wording of 19.7.1 where ALAC is not blah, blah, blah.

ALAN GREENBERG: Well okay.

CHERYL LANGDON-ORR: I'll leave that to you, but you know.

ALAN GREENBERG: Either way, they're equivalent till the number changes. And as I said at the beginning of the meeting, if the number ever changes, either the number of regions or the number of ALAC members, there's going to be work to do.

CHERYL LANGDON-ORR: Yeah.

ALAN GREENBERG: I mean just look at the paragraph before – “three of the five RALOs”, as an example. Now only would we have to change the five we may want to revise the three.

CHERYL LANGDON-ORR: Yeah, understood.

ALAN GREENBERG: Next one is 19.11.2 –

CHERYL LANGDON-ORR: That's just a [yes] from me. That's just a change of the words.

ALAN GREENBERG: Okay, well I changed the word. We had “formal action” and several people objected to that vague term. And what I’m saying is the fact that the vote is going to be directed and the nature of the vote, which way the person is to vote must be done through formal votes of the RALO. That is we don’t want to be excused of having the three people on the Executive Committee of the RALO direct the vote or something like that.

CHERYL LANGDON-ORR: Up to the ALSes as to how it is directed, and that’s important.

ALAN GREENBERG: Right. I think everyone will be happy with that, but let me know if not. 19.11.3 is something that we had exhaustive discussions on of should the ALAC members be subject to direction. And on the call of the ESADT that we had there was an, one of the few times we had virtual unanimity that the answer was “no”. These people are elected and they should be given the option to vote. But we didn’t come up with words.

I drafted something that says “ALAC members are encouraged to consult with the RALO from their region, but have free will to vote as they feel best for At-Large, ALAC and ICANN”. And the ICANN one is critical there, because we are selecting an ICANN Board member. Cheryl suggested, I’m not sure if you were proposing that we keep the consultation sentence in but said “Voting however will be undirected to be made at the best interest of”.

CHERYL LANGDON-ORR: Yeah, I was suggesting leaving the consulting sentence in and that being a change at the end of the sentence.

ALAN GREENBERG: So you prefer “undirected” as opposed to “free vote” or “free will”?

CHERYL LANGDON-ORR: “Undirected” makes it clear.

ALAN GREENBERG: Okay.

CHERYL LANGDON-ORR: Because the one before talks about directing.

ALAN GREENBERG: Okay. Alright, I’ll try to reword that and you of course will take a careful look at it when you see it. Anyone else have any comments on this?

HOLLY RAICHE: No.

ALAN GREENBERG: Okay. We’re at the hour. Can people bear with me? We just have another one or two items to do. And we won’t have to have a call next week. The last one I see here is 22.1.2 – a request submitted by – oh

this is the recall. [reading to himself] Okay, all I've done here is, from an earlier version, is basically make it clear I's going to a distribution list. In this case I think the distribution list; at least my recommendation is going to be, to the Chair and staff. In other words, we're not going to necessarily broadcast this to the person who we're trying to recall. They'll be notified of course, but that shouldn't be the moment that it happens.

And I have removed, this section originally had "appointees" and I have put in section 20, which says "An appointment can be withdrawn by a simple vote of the ALAC"; same process was used to put them in. So I don't know if anyone has any problems with this. These are all sections that I can't imagine we're likely to use, but we need to have there just in case.

CHERYL LANGDON-ORR: Alan, I'm happy with that; that's fine.

ALAN GREENBERG: And I think we're done. We need to have a couple of things offline. One thing I will ask you, the original version of the selection of the Chair had rules there which essentially amounted to "if we have five people running and someone gets four votes and the other people get three, the one with four votes would be the Chair". In other words, whoever had the most votes won. There was a general feeling that this was not acceptable; that we really wanted a Chair, we're giving the Chair a fair amount of power and the Chair should be at the very least put in by a

majority of the full ALAC; hopefully more than that but at least a majority of the full ALAC.

Given that there was a significant amount of rewriting that had to be done to allow for all of the multiple cases of having multiple people competing and ties in the first position, ties in the last position and various things like that. So there was a significant amount of redrafting that went into there. I ask everyone on the group to read that section over and make sure that there aren't cases which I missed. In other words, situations which were not covered which could put us in a bind where are rules do not allow us to select us a Chair.

So it's a critical area. I think I caught all of them, perhaps not in the most elegant way, but I think I caught all of them. So I do ask you to look at that section carefully. Other than that, I'll get a new version out in a day or so and at that point, unless we hear, I've got a couple of things I said I would deal with privately with a few people, none of them are substantive but all of them have to be addressed, I'll do that. And the next version I guess goes to the ALAC and to the community.

CHERYL LANGDON-ORR:

Okay, it's Cheryl here. On that, I just want to make it really clear to the penholders that when this draft now goes to the ALAC for the ALAC comment/review, and then it will go to vote they are going to be specifically asked to funnel any regional or ALS or community comments through the ALAC members. We are not opening it, it's going to be open for public review, but we are not taking rewrites or even formatting suggestions directly from the ALSes and the public.

There may be some people who think that it's not a good idea. The answer to that is tough. This is ALAC, once this goes out from us, this is ALAC deliberation and then vote. If there are issues that we have for some reason totally missed, and they are raised, someone in the ALAC has to raise them. Are we all clear and happy on that point? Because if we're not we won't be able to stand unified and argue for it when it happens.

ALAN GREENBERG: And there's a related one, a related issue also. To approve these we're going to need a two-thirds, I believe it's a two-thirds vote of the ALAC.

CHERYL LANGDON-ORR: Correct.

ALAN GREENBERG: I am hoping that, and as eluded to earlier in discussions, we do not have many, many "it's fine but I want to change the wording in this sentence". This group and the groups behind us have hashed out these in enormous detail. We do not have the easy ability of putting a rationale between each of the several hundred individual paragraphs in this document. But virtually every paragraph has been discussed, and what is there is there because it reached a very significant consensus, if not unanimity of the group that was discussing it.

CHERYL LANGDON-ORR: Cheryl for the record.

ALAN GREENBERG: Yeah, in a moment Cheryl. We're going to have to make sure that that message gets passed. The people who did not participate in this at all chose not to participate, but they can't rewrite the whole thing afterwards.

CHERYL LANGDON-ORR: No. Alan, Cheryl here. I would be calling for all of you who are penholders, all have been involved in the drafting teams, because we have ALAC members who didn't hold a pen but who are in a drafting team. It's going to be up to you all to stand in the ALAC lists and meetings and say exactly that. You've all got to be strong, you've all got to be saying half the ALAC wrote these rules; the rest of you had the opportunity to be involved. Just give us any views and then we'll get on with it.

But to say one more thing on that, we'll write appropriate text to go out and explain it to, unfortunately there's always some people on the list who just think of [to leave it] as well. But you guys have to stand firm. Don't use this as an opportunity to rehash over dotting an I or crossing a T. This has to be completed very, very quickly. Is there any other business, because I'd like to close the call if not?

ALAN GREENBERG: Yeah. Well just one comment. There are going to be things that people point out that we got wrong. I mean there's no doubt someone's going to catch something which we didn't do consciously and we do need to catch those. But those hopefully will be minimal and they will not be

onerous. There will not be issues of great substance; there will be just things that have to be fixed.

CHERYL LANGDON-ORR: Absolutely that's going to be the case. And I think we've had, with people like Rinalia going over those, most of them were caught anyway.

ALAN GREENBERG: I hope so.

CHERYL LANGDON-ORR: Alright, fingers crossed next version is the one that goes live. Let's stand united team, is what I'm saying to all of you ALAC members, and let's get this through. It will be up to Olivier to decide how long it's going to be for the discussion on any particular point if something specifically significant is brought up. So it goes back to the Chair at this time to see if as Alan said something is brought up that everyone goes "Oh dear that is important". He could change the timeline but other than that we seek the timelines that are published.

ALAN GREENBERG: Okay.

CHERYL LANGDON-ORR: Ladies and gentlemen, thank you very much. Is there any other business, and then we will close our call.

ALAN GREENBERG: Yeah, Yaovi asked me to repeat what you said. I don't know when that came. Yaovi, the recording will be out very, very soon. I'm going to suggest you pull the recording and listen there because I don't even know which of Cheryl's pieces it was on.

[crosstalk]

ALAN GREENBERG: Cheryl, you were saying something?

CHERYL LANGDON-ORR: It was the rationale of stand united. He is an ALAC member, talk to him and make sure to stand united with you all. Okay, thank you all very much. I've ended the call, bye.

[End of Transcript]