
JULIA CHARVOLEN: Good morning, good afternoon, good evening every one. Welcome to the NARALO monthly call on Monday 12 of August, 2013 at 19 80c. On the call today we have Alan Greenberg, Murray McKercher, Glenn McKnight, Gordon Chilcott, Garth Bruen, Evan Leibovitch, Darlene Thompson, Eduardo Diaz, Louis Houle, Michael Maranda, Gareth Shearman, Seith Reiss, and Bill Thannis. We have from Olivier Crepin Leblond and from staff we have Silvia Vivanco, Matt Ashtiani, Gisella Gruber and myself Julia Charvolen. May I please remind our participants to please state their names before speaking for transcription purposes, thank you very much and over to you.

GARTH BRUEN: Thank you this is Garth Bruen again, Darlene if you are on the line can you read the action items please?

JULIA CHARVOLEN: 2.3 NARALO (inaudible 00:01:04) if it we are copies for our new no matter what happens to the time zone change due to the daylight saving. Ah, 2.4 staff, on March 18th, 2013 ALAC briefing call and/ or changes staff, IG Norman and Sam Eisner were asked to identify ICANN's economic ploys we can provide the economic studies document that was the basis which changes to our 8.3.3.6 and 3.3.7. Well At-Large staff for (00:01:37) this is the fifth call for this information. 2.5 notes that were the general items 3 and 6 have been combined into a meeting super topic number 3. 2.6, all Durban NARALO participants

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please add meeting briefing notes to the At-Large reports so these briefing notes are once the meetings that you went to the others and At-Large meetings, 2.7, Eric Bruno Williams to provide an analysis of active and non active ALSes. 2.8, staff please provide for future election instructions on per se and (inaudible 00: 02:12), 2.9 staff please provide for future elections, a test vote on a no item to ensure all ALSes have access and functionality, too many ALSes have reported problems receiving the ballots. 2.10 staff is advised of the status of 10. 2. 1, translations of the ICANN news alert in Spanish and in French, 2.11 staff 10.3.3 on tracking travel related reimbursements, we need a better tracking system with full disclosure, conversations via Skype etc., cannot be tracked, 2.12 staff please advice on the status of indigenous people fellowship access in North America. 2.13 run of selection for renewal sectary will be held once the operating procedures are ratified and that's it.

GARTH BRUEN:

Thank you very much, this is Garth Bruen again. Hello, am I still on the call?

I just thought we were operating in Morse code.

Okay, that was interesting.

ALAN:

I can hear you fine Garth.

GARTH BRUEN:

Okay, fantastic. Okay, just so everybody, you know who hasn't been following along very closely, just to give a ready run down, we are going to be trying to adjust, make some updates to our operational procedure documents and Alan has been working diligently to outline many of these changes, some of these changes have been in the works for a while they are just general updates, something that came up and became fairly important recently was the fact that we have no provision within the current procedures for dealing with a tie and right now we have a tie vote for secretariat and there are no provisions for dealing with a tie in our procedures so what we are going to do is, first we are going to adjust the procedures you know through a vote of its own to make sure that the change is accepted by the community for procedures to deal with a tie and then we are going to have a runoff vote for secretariat again and hopefully you know everybody is happy with this kind of arrangement and everybody is prepared to move forward on that. Now for anybody who is just on the call before it officially started Alan said that he had to step out and do something, Alan is behind a lot of these changes and is really important to be part of the discussion and I couriered the agenda so we could focus on the rules of procedure but since Alan has stepped away I do want to give anybody a chance to bring up any other item besides the rules procedure, before we start talking about that. Does anybody have anything critical they want to discuss right now before we get into that section?

SILVIA VIVANCO: Garth, this is Silvia Vivanco, I just wanted to go through the action items whenever you think it is convenient maybe after the NARALO peace review or right now. To clarify what is pending what is needed from us?

GARTH BRUEN: You can do that right now because we have a little bit of time now and that would be wonderful.

SILVIA VIVANCO: Okay great, so for 2.4 for ICANN staff to follow up with (inaudible 00:06:00) and Sam Isner, I followed up with Sam over the weekend and she has informed that at the moment their document is being edited and it will be posted anytime soon now so it is imminent.

GARTH BRUEN: Okay thank you.

SILVIA VIVANCO: Yes, regarding the 2.48 I want to put in some clarification on what is needed regarding the future election structure being framed on 6:27, what is exactly the document that would need?

GARTH BRUEN: If Louis is on the call, Louis raised some of these issues previously about having more language availability. Louis, can you speak to any of these requests? Louis if you are talking we can't hear you. Okay this is Garth again, one of the issues that Louis raised was just some basic

translations of some of the comment documents that we used, some of the standard emails that go out. One of the things that I noticed in the last election is that the members who are French speaking didn't get the election instructions in French and I think that's absolutely critical.

SILVIA VIVANCO: Okay, perfect, in French it is more critical at this point than the Spanish, right?

GARTH BRUEN:: Well this is something that we are going to be discussing also and I think that we are leaning towards bringing more Spanish in to the discussion but as far as my understanding goes, French is actually an official language of the region and if anybody wants to jump in and correct me or clarify that you are welcome.

ALAN: An officially language a part of a region?

GARTH BRUEN: Yes.

SILVIA VIVANCO: Okay, and Spanish is also an official language of the United States, so all three are official languages of the region. Okay so I will work with you Garth and Darlene to identify the documents that need to be translated and create some sort of priority so we work with the translation's team

there, Christina so we can have this documents translated, as you understand that the interpretation and translation services within ICANN is very overwhelmed most of the time, so we look to fill in.

ALAN: Silvia in terms of French we are not changing anything today.

SILVIA VIVANCO: Okay.

ALAN: We are actually lessening it so let's worry about getting the rules approved today and not worry about the process of handling translations.

GARTH BRUEN: Alan, this is Garth I think while you stepped away we started going through some of the action items and that's how this discussion came up.

ALAN: Okay, sorry about that.

GARTH BRUEN: That's fine.

SILVIA VIVANCO: It is fine, we just want to make sure that we understand what we need to do and the timing that we have available and the priorities, so 2.8. 2.9, 2.10, is also related to translations. 2.11, is on tracking travel related reimbursement, if you can explain this item I think Garth?

GARTH BRUEN: Absolutely. So we have had some I don't know mistakes or delays in terms of travel sponsorship and we've had this kind of, I don't know kind of informal back and forth where I have been collecting issues or complaints from the membership about specific travel items, forwarding them on the staff and then you know manually following up to make sure these issues are resolved. From what I understand this kind of snafus or you know bumps in the route they happen across the board everywhere and we were just wondering if there was a way that we could formalize so that there were tracking numbers or ticket numbers applied to these items so you know they don't get lost in the shuffle, and if I can intervene consider and make them like this.

SILVIA VIVANCO: It is a very good idea, I think if Matt is on the call I would like to ask Matt if he has any insights about this, the travel reimbursement procedures and how they are handled or if there is any tracking number that we can provide to the community?

MATT ASHTIANI: I am Matt. To my knowledge no, that doesn't mean there is issues that are working or travel anymore, I mean that we can with (inaudible 00:10:46) are not as of right now I am not aware of any tracking numbers that are in use like it was in Chicago.

GARTH BRUEN: Eduardo do you have your hand up? You have a comment about this or something else, Eduardo?

EDUARDO: Yes I want to comment on the translation of documents, you know we don't need to translate them in Spanish right now, because we know it depends in the future maybe because all ALSes doesn't that, and eventually I want to have Spanish somewhere in the document and say you are not (inaudible 00:11:20), so if you get an ALS that required something like the French people then you can go ahead and do it, that is the only comment I have.

GARTH BRUEN: Thank you Eduardo and we were very aware of this and I consider it to be important, Silvia back to you.

SILVIA VIVANCO Yes just to respond to Eduardo we will translate the documents and we will identify who are at the mocking for the documents that need to be translated into French for some 11: 49] this moment in RALO and start sending the documents to translation services, it takes a little bit of time

because they have a lot of work but when we start prioritizing them, we can make a list of the documents go through them and I think we will achieve at least the minimum that NARALO feels that must be translated into French. That can be a project that we can undertake and all the translation into French and then into Spanish at a later time.

GARTH BRUEN:

Okay, thank you Silvia. I think that the election instructions are critical and those aren't going to change too much over time so we should be able to use the same or similar translation each time but it is just important that everybody gets those translations clear. Glenn you have your hand up, please go ahead.

GLENN MCKNIGHT:

Just on the issue of the expenses; with NomCom we use and Louis will have to use this so when he takes on that position and Eduardo is familiar with this. We use an ICANN expense form and we just scan in our receipts and so I am more than happy to share that form with staff it is like they'd like that form as a tracking form. It is well laid out, it is done as an excel spread-sheet. So just to go back, I had an incident where our performers had back in October of last year and took months and months for those people to receive payment so that was an illustration of example and they didn't call ICANN they kept calling me so just as a process that was a good example of people expecting payment very promptly and it didn't happen.

GARTH BRUEN: Okay, Alan you have your hand up?

ALAN: I was just going to put it to Glenn the question wasn't how to submit but the question was to get help, how to get ICANN to pay.

GARTH BRUEN: I don't think, it is not always about payment, sometimes it is just about some kind of details or some issues we need to resolve.

ALAN: Sometimes it is for payment.

GARTH BRUEN: Yeah.

SILVIA VIVANCO: Okay, regarding the 2.12, yes I had been in the subtletst of the indigenous people fellowship access. I had been keeping connect with Janet and she has told me that she will be sending a response regarding this issue in the next couple of days so I will get back to you very promptly on this one Garth.

GARTH BRUEN Okay, thank you very much, Glenn, you still have your hand up if you still need to speak?

GLENN MCKNIGHT: Hello.

GARTH BRUEN: Glenn or Alan do you need to speak?

GLENN MCKNIGHT: I am sorry, my hands go up and I am not at my computer right now.

GARTH BRUEN: Okay, are we done then Silvia with the action items?

SILVIA VIVANCO: Yes from my side I am done and any additional concerns or questions I will get back to you and Darlene, so we can go through these in Skype or email okay?

LOUIS HOULE: Garth this is Louis Houle speaking, can you hear me?

GARTH BRUEN: Yes, I can hear you please.

LOUIS HOULE: Right, we have a storm here and went through some phone problems, sorry. I am back.

GARTH BRUEN: Okay, great, I am glad to have you here. So moving down through the agenda we are going to jump over agenda items 3 and 4 and we can come back to them if we have more time, but I want to start right in with agenda item 5.2, which is a review of changes to our rule the procedure, and there are it looks like we have about 12 sections that have been changed, some of the sections have more than one item and I've noted which ones have more than one item. Alan has sent around a redlined copy and a clean copy of the proposed changes if anybody doesn't have a copy of that, please speak up. Darlene you have your hand up, go ahead Darlene.

DARLENE THOMPSON: Just very briefly, I was hoping that we could add an item 5.2.0 to address paragraph number 4.

GARTH BRUEN: I followed that conversation on Skype but now I am at a loss as to which section of the document are you talking about?

DARLENE THOMPSON: Paragraph number 4 was public documents will be produced in English and French, and we are suggesting that public documents will be produced in English, French and Spanish as appropriate.

GARTH BRUEN: Okay alright I will add that to the official list, Julia did somebody else speak? No okay, alright I will add that to the official list, moving

quickly delivered a brief of the changes, these are not the exact changes I was referring but it is the actual document. Change to number 7, removal of the phrase as long as they fulfill the language requirements and the expansion of person to persons. Section number 9 the edition of ALAC all the procedure to list of guiding documents for a NARALO officers. Change to number 11, requirements for candidacy from statement of interest, submissions to nominations, now this is just a difference between submitting a document which is a statement of interest to run for an office to actually getting a nomination and you can self nominate, so I think that this is just a way of dealing with people submitting redundant statements of interest when they have a statement of interest on file which is still current so as long as we start a procedure where you know there is an official call for somebody to run for office. Alan you have your hand up, please.

ALAN:

I just had a clarification, the term statement of interest here predates our use of Wiki space where people have statements talking about what they are interested in, by many years we ended up using the same term for that as we did in other things earlier such as this and in fact our practice has always been a nomination process, so this change simply removes a confusing term which is used in too many different ways in ICANN and adjusted to reflect what we actually do, thank you.

Garth's line just dropped. Darlene do you want to take over or do you want me to?

DARLENE THOMPSON: Oh why don't you go ahead since you are to offer most of this, or unless you want me to?

ALAN: No I don't mind, in any case so 11 changes, this is in fact changing to what we actually do and removing a confusing term. The change to number 12, there are two changes, one is since we are now officially talking about nominations, we need to make sure there are nominations, if there are not, self nominations are accepted and the first sentence now allows for the acceptance if necessary and adds the word normally to ALAC positions normally should be made to rough consensus and this goes along with its proposed change in 13. Is Garth back here? No? Alright in 13, we are saying that if the chair determines that consensus cannot be reached or indicates of a contested election, if the chair believes that it should be done purely by secret vote instead of having open discussions which the ALAC in general has moved to, that is you shouldn't have open votes talking about individuals because it ends up with a lot of bad feelings which there is no real need for, so this says the decision may be taken by a secret vote and adds in the event of a tie makes it explicit they were talking about an ALAC member in this section, the chair will cast the extra vote. So essentially all we are doing here is saying the secret vote that the consensus is optional and contested elections at the option of the chair. I believe that has always been again, it reflects our actual practice and doesn't really make a functional change in how we operate. Murray you have your hand up? I am assuming Garth is not back yet?

SILVIA VIVANCO: Alan this is Silvia Vivanco, would you like us to post the document on the AC room and so which version would you like us to post?

ALAN: Probably the red line version.

SILVIA VIVANCO: The red line, okay we will post it.

ALAN: We have Murray, Murray?

MURRAY MCKERCHER: Yes Alan, just ask as to whether the problematic election, number 13 had been dealt with in other ALAC nature 21: 49, that most experience and it is aligning what we are doing with whatever everyone else is doing or is it completely brand new?

ALAN: The only thing we are changing here is saying that we do not necessarily in a contested election, we do not necessarily have to have an open discussion to try to reach consensus. That is we can have a vote and my understanding is most other RALOs always do those by a vote. I don't believe we are doing anything against what other RALOs do.

MURRAY MCKERCHER: Okay I just thought consistency would be good.

ALAN: If anything our normal rule saying we operate by consensus is not aligned with other RALOs and I don't think we do want to change that.

MURRAY MCKERCHER: Okay, thank you.

ALAN: Silvia your hand is still up?

SILVIA VIVANCO: Oh no, no reason, 22:25.

ALAN: Garth is still not back yet? We'll go on to the next one The next one is an interesting one, it is the section on how to amend these operating procedures that we are talking about and for reasons no one quite understands, although we always gave members unaffiliated members a single board justice an ALS has, it was left out of this section. And therefore in the last change to the rules and in fact in this change to the rule unaffiliated members do not have a vote and this normalizes glad to say, it not only includes ALSes but also that pseudo ALS of unaffiliated members. Questions, I don't see any hands up, no one yells out?

We'll go on to the next one, section 16 has two changes, the first one is changing the word vote in the first sense to participate since we do in fact say that some elections may be decided by consensus, this just factors that in and it says you don't necessarily have to vote as long as

you participate, that is what counts. It adds another provision saying in the case of an apparently dormant or nonexistent ALS and if you look at other regions we have had situations where the ALS represented themselves, saying we don't exist anymore please take us off the list. It shouldn't be necessary to wait two years to do that if they themselves had decided that they don't exist or there is other clear evidence that they don't exist, and this simply gives the North American region the opportunity to let the ALAC know about it also.

GARTH BRUEN: I am back on the call.

ALAN: Okay then we got up to, just finished 16, we are at 17, and back over to you.

GARTH BRUEN: Thank you very much. So number 17 has several changes, three at least and the first change is that the unaffiliated NARALO members must admit an affirmation to At-Large staff. The second one is that the failure to meet the criteria terminates your membership as an unaffiliated member. The unaffiliated individuals who are adopted verify our process to ensure that their elected representative can reflect the views held among the membership as with his or her vote. Now just to be clear all of these sections and the changes refer to unaffiliated members. Does anybody have a comment, question or concern about that? Alan, please go ahead.

ALAN: I have a comment or two. The first paragraph, the change from statement of interests is removing yet another definition of statement of interest, it is interesting to note you know, on operating procedures we had two different uses of that expression, just they all state the problem than I can and the ceasing to meet any criteria was obvious to some people, not obvious to others, and we decided to make that clear that if you don't qualify once five years ago it doesn't mean you still qualify if you don't want to meet the criteria. The last change in the red lined version you see there is, number one is taking out a very operational issue that should never have been in and casted in a concrete in our rules of saying what technical process to use for the loading mechanism and as when we are looking at the ties and secretariat and share positions we realize we could have a tie in unaffiliated members and what I did was I took the same rule that we have for ALAC members up above and saying that the chair can cast another vote in this case the unaffiliated representative can cast another vote, so we don't have to worry about reholding elections and things like that. There is one other change which does not show on the document and I don't know if Garth was it somewhere that was posted, could we put it in the chart or I can put it in the chart perhaps.

MURRAY MCKERCHER: What was the other change?

ALAN: One other change we recognized and that is the first sentence of the paragraph saying the unaffiliated individuals will adopt a verifiable

process to ensure that the vote cast by their elected representatives', reflect the views held among their membership. That technically is not possible because we normally hold secret ballots, so there is no way to go in and look at what the vote is and I suggest that some alternative wording which I will put into the chart if this works.

GARTH BRUEN: Was that different from what you sent me?

ALAN: No it was the same, but I don't do that show up anywhere.

GARTH BRUEN: I put it into the agenda, so it might not be in the chart that was posted by the staff.

ALAN: It is also in the chart, I am not sure if it is in the agenda that was number 17. No that must be an old version of the agenda they have, in any case let me read it out but it is in the chart right now under my name. I am suggesting that the sentence be changed to the unaffiliated individuals will adopt a verifiable process to ensure that their elected representatives can reflect the views held among the membership with his or her vote. I think that covers it.

MURRAY MCKERCHER: What is another problem that we run into at least in terms of the unaffiliated vote that requires I don't know these extra layers, I just want everybody to understand it?

GARTH BRUEN: The problem was that a few years ago we had a representative for unaffiliated members who simply voted on their own principles and didn't bother asking anyone, this was trying to recover from that.

MURRAY MCKERCHER: Okay, I understand. Okay I mean how many unaffiliated members, do we have on the call, and I know that we have Murray on the call. Do we have any other unaffiliated members on the call, if they raise their hand up?

ALAN: I don't see any others on this call.

GARTH BRUEN: Okay I want to make sure that anybody who has an issue is able to raise it or object at this point, I mean if somebody who is kind of new to this whole thing and he participates and I guess in your first call, this time around how did you feel about the process?

MURRAY MCKERCHER: I didn't have any issues with the process, it was a little difficult to see if I was voting in the correct system and I think I asked whether the system

that was used generally by ICANN was the same system that we are reviewing for NARALO, which I believe it was so I did not really have any difficulty with that. The unaffiliated status this has been useful for me to go through the details here, but I may have to change a couple of things related to my unaffiliated status but Alan has been very helpful with that.

ALAN: So I mean were the emails confusing to you at all?

MURRAY MCKERCHER: Well, perhaps a little bit confusing only because I didn't know the procedure, it was a little difficult to extract very specific procedure from everything that I can't and therefore had a (inaudible 00:31:01).

GARTH BRUEN: If I may interject.

ALAN: Please go ahead.

GARTH BRUEN: Actually voting should not have been a problem because each person should only get credentials in one of the votes except for the other affiliated wrapped get up get -31:17] but for the normal unaffiliated member they only get one, the problem is the announcements of those

sometimes are not crystal clear so everyone I think on the RALO list or on the ALAC announced list gets a notice saying there is a vote coming up and that particular one is not clear and that one we can work on to make sure next time it is better.

GARTH BRUEN:

Okay yeah, I think there is definitely, I mean I am just noticing some issues with which is the language that is used for some of these that is confuses people a little bit, so if anybody has any other suggestions things that we can do to clarify it just would be great. Okay, so if everybody is comfortable we can move on to the next item and that would be number 18 which is precipitation; we had some discussions that agree with the NARALO code of conduct. I am sorry somebody has a comment?

ALAN:

Yeah it is Alan, there was no change here, curiosity is the word made it look like the number was being changed but there were no changes.

GARTH BRUEN :

Okay, number 19 this is really what has brought about the immediacy of needing to address the other rules, and this is the new way of dealing with tied elections and you know the way that we are going to deal with this is that we proposed or Alan proposed four different ways of resolving a tie, you know when there were lots of discussions about resolving ties, one of the options with the chair would put up the deciding vote, I disagreed with that, I had strong reservations about that

because we will basically be giving one person an additional vote. Another option was to give every ALAC a chair the deciding vote, I didn't like that personally because I was concerned that ALAC chair might not understand regional differences and regional specifics, then there was also the option of the just rolling the dice, I think that the decision of flipping a coin along the dice that would always leave a bad taste in the loser's mouth and the loser's supporters. I thought that the most democratic way and the best way to do it would be to have a second, smaller election among the leadership. So that is pretty much what the change in 19 reflects. So I would like to open up the floor to anybody who wants to discuss this because this is pretty important. Alan, please.

ALAN:

Yeah thank you. I'll point out the four options and they just didn't come from me, they were the ones that were talked about when the issue first came up and they came from various people but I was the one who tried to put them together in a list so I don't claim authorship or origin. This particular option essentially started off as saying we will give the decisions by a secret vote among the three ALAC members, as I started to draft text, that seemed to be not everyone's choice but it seemed to be the choice that was highest on the list when we went through the various discussions and trying to get consensus. When I went through it I started to realize there were some potential problems there, that is any ALAC position at any point may not be filled, we could have vacancies and we could also have that ALAC member whose term is ending running for the position that is currently in dispute and again we didn't really want to be in position where one of the candidates decides the outcome, so we ended up saying three ALAC members are

preferably the ones who will make the decision, adding the NARALO chair and sectariat on to that list in a lower priority option and saying take the top three who meet the position. Probably virtually every case this is what would have happened, and hopefully we won't have ties very often. It will be the three ALAC members, but there is a process if we have such an unusual position that four or three of these five people are actually running for the sectariat all at the same time, we may not have the three left in which case we say resort to a random choice and the chances of that happening are virtually nil, but it is there to make sure that the rule is bulletproof, thank you.

GARTH BRUEN:

Thank you Alan, I think that any time that we don't have rules to address a tie we will probably have the tie, it is usual to do things like that. So if nobody else has any comments or concerns about this and they are welcome at anytime at least till after we've ratified the new rules. I am going to move on, so number 20, all consensus decisions and votes of the general assembly members shall wait on all members equally, I am a little bit confused about this, perhaps somebody could background, Alan?

ALAN:

I will be glad to and you should be confused. Someone Murray or someone has asked a number of times, and Glenn I think how does our rules compare to those of other RALOs. Let's talk about Latin America for the moment. Latin America has a voting rule where by every country represented by an ALS has an equal vote, so you take the

number of countries and you divide that number into a hundred and that's what, now the number of votes every country has, if there is only one ALS in a country they get all the votes, if there is two ALSes they divide the votes, if there is five ALSs they divide the votes. S each ALS is waited to ensure that each country is equally represented. That is fine, that's the rule they wanted and they have for reasons that nobody understands, if you go into the NARALO rules for running a meeting that's what it says we do too. We've never done that, we never wanted to do that, none of the people who participated writing those original rules understand why it is there but it's there, until we can get a chance to fix that this section undoes it.

GARTH BRUEN: Okay, thank you very much.

ALAN: It is about as clear as I can make it, it is still not clear.

GARTH BRUEN: Okay, change to number 21, with these operating principles may conflict with the NARALO procedure for meetings or the memorandum of understanding with ICANN. These operating principles shall prevail and I think that this is really kind of a way of maintaining the bottom of process if I am not mistaken.

ALAN:

Well it is partly that and partly saying rule number 20 counts, because rule number 20 is all at odds with something in these procedures for meetings as an example, the other example is several years ago we changed the rules for who can be an unaffiliated member there was an extra one originally, that you can't belong to a contracted party so some people are less equal than others. We took after much discussion, we removed that rule but no one noticed it was also in the Memorandum of Understanding, I am not sure why it was in the Memorandum of Understanding but it was there, so this essentially says that these rules which were the most recent things to be changed are the ones that can't wear this discrepancies between them obviously when we do a better clean up we actually have to fix the discrepancies but this should cover it in the interim.

GARTH BRUEN:

Okay, wonderful. So that is all of the changes except for the one that we forgot to put in about the language which I will add. Now the major overall point of this is to get a consensus from the community about moving forward on making these changes. This is not a vote this is a consensus of this group on the call right now to move forward on having an actual vote to ratify these changes. So how do we want to do this, do we want to go in a vote for every single one or do we want a vote on the whole package? I mean less people have an objection to a particular one, Alan every hand up.

ALAN: No we have never done a vote on individuals before they have to be approved as a package I believe because some of them are inter-related.

Really at this point is there on the call who can express any reason why we shouldn't go ahead with the vote? For these to be ratified as is clear from number 15, we need 70% of active ALSes.

GARTH BRUEN: I am going to recognize Darlene, then Evan and then Silvia, please Darlene.

DARLENE THOMPSON: One question I had was with number 17, with 8, so NARALO members must have submitted an affirmation to At-Large staff, that's great but then should we have not voting there that At-Large staff will then confirm that they have done so to the chair and secretariat, because we have had situations just in this last selection where someone who was not unaffiliated member was making nominations and such like that, and if the chair or secretariat had not known that they were what they said it was that could have formed by the board so I am just wondering if we'll need some extra wording now, thank you.

ALAN: I can address that.

GARTH BRUEN: Go ahead Alan.

ALAN: I don't think we are in a position to make rules for staff in this particular document number one. Number two yes there has been a gap there and I know both Garth and I and perhaps you also have lost track of whose been in the emails, understand we need to set up some procedures and document who unaffiliated members are. So that's a given in terms of keeping records but that's also a given in keeping records of who the ALSes are and we don't go into details here and yet it is something that we need a bit of administration we need to get right so I agree with you it needs to be done, I don't think it fits in the rules of procedure. We better not blow it again.

GARTH BRUEN: Evan, please go ahead.

EVAN LEIBOVITCH: Hi there, Garth just speaking to your issue about whether or not there should be on the package or on the individual pieces, my own comment would be the whole point behind this call is to get a consensus to see if anyone has problems with any particular part of this, figure out a way to deal with it and then having done that then to agree as a single consensus on the whole package. I don't think we need to over engineer this, thanks.

ALAN: This time I want 18 votes.

GARTH BRUEN: I just want to make sure this is transparent and democratic if possible.
Silvia, please go ahead.

SILVIA VIVANCO: Yes I just want to place a concern about the article 21, that these operating principles may conflict with the NARALO rules of procedure or the Memorandum of Understanding with ICANN, this procedure shall prevail. This is I think we have to be very careful about it because NARALO has consented to be bound by the agreement through the Memorandum of Understanding so I don't think that legally it is possible that this operating procedures should prevail against the Memorandum of Understanding the opposite, the Memorandum of Understanding is a legal framework.

GARTH BRUEN: Okay, maybe this is just referring to the way that we operate internally I am not sure, Evan you have your hand up?

EVAN LEIBOVITCH: Oh sorry I was going to take it down but I have an answer and I think essentially Garth certainly is right in the sense that sort of played the constitution it is a lot harder to change and if that document says that there is a certain thing allowed we can't change it by a simple majority vote here, that involves the MOU it really means that we have to look at

a longer term of changing the MOU which eventually of course we may want to but I agree that the text saying that what we do here superseding the MOU probably won't apply.

SILVIA VIVANCO:

No it won't and I am quite sure about it how (audio discrepancy 00:44:59) for NARALO be good, ICANN first agreed to support NARALO with a number of activities as long as NARALO agrees with their MOU and that is why there is a contract and the main contract is the MOU. So in the legal surety the MOU is higher than the operating procedures. The operating procedures must confirm that the MOU is a higher level and the internal procedures must confirm with the general framework that is provided by the MOU.

GARTH BRUEN:

Alan you have your hand up, please.

ALAN:

Yeah I do I would strongly suggest that if indeed these rules exceed our bounds and the board will not agree to change the MOU on a reasonable quick term, we have a problem but I believe that we need to make sure that we have a single set of rules and we haven't had a single set of rules for the last three years and I believe this is an attempt from the point of view of people reading these procedures and trying to understand whether these procedures are the ones they have to follow in becoming an unaffiliated member and an unaffiliated membership that we are talking about, that will send a clear message to the people

who are going to our website in Wiki and reading trying to figure out what the rules are as Murray can vouch for it has not been easy in the past and I believe we need to make sure that we don't have the conflict but I think we need to send a clear message to people who are trying to get us our members right now and the issue is not, is it legally binding, the issue is making it clear to people what they need to do to become unaffiliated members.

GARTH BRUEN: Okay, Darlene you have your hand up.

ALAN: I suggest that we go ahead with this and yes fix the problem. I don't think we are going to be sued over it.

GARTH BRUEN: Darlene you have your hand up.

DARLENE THOMPSON: By my count it looks like we have 14 members of our general assembly here of 22, and so we can't take a vote on this call because we don't have 70%.

GARTH BRUEN: Okay I think that we are going to officially go for consensus at least on the call and not on the official floor. So do you have any further comment on this issue?

SILVIA VIVANCO: Just want to reiterate that I think there is a practical reason to put that their MOU and that their operating procedure will prevail, I understand that they are practical needs, but I have to emphasize from the legal prospective it is really inconsistency so it wouldn't be acceptable so I just want to give this word of caution for NARALO that you know if there maybe to deleted operating bracket or if you would like I can always though we've checked with ICANN legal, also regarding this points.

GARTH BRUEN: Just as a question generally about this, I mean doesn't our existence flow from the Memorandum of Understanding, so I mean wouldn't that I don't know make an kind of literal override of the MOU possible?

SILVIA VIVANCO: If we legally knew but I think that it's better that we don't make that statement that NARALO is not bound, it is like saying that NARALO is not bound by the MOU whenever there is something that conflicts we don't follow the MOU and that's not legally acceptable because as Evan mentioned the MOU is like the constitution so if security you have the ICANN bye laws then under it there is a MOU and under the MOU is their operating procedures of each particular RALO so that's their hierarchy, so we shouldn't get.

ALAN: Garth, I suggest that we continue this consultation offline and either that section will stand or be removed before the vote starts.

GARTH BRUEN: I think so too.

ALAN: We are seven minutes away from the end of meeting and I for one want have to get off the call very soon.

GARTH BRUEN: Louis do you have a comment please?

LOUIS HOULE: Yes, that is exactly what I was thinking I think that we have to make a difference between the rules in the organization and the legal aspects of it so I don't think that we are going to have answer in seven minutes.

GARTH BRUEN: Okay, then in terms of moving this floor and not withstanding Silvia's concern I would like to record a consensus on moving this package forward for a vote and we can decide in between whether or not you know 21 is appropriate and I would like to ask everybody to put in their green checkbox, a green checkbox to agree to consensus of moving this forward. And if the staff could at least keep track of the consensus checkboxes. (Inaudible 00:50:24) you have your hand up over collecting checkboxes, go ahead. (Inaudible 00:50:24) has just put his hand up instead of a checkbox. Okay I think that we have almost everybody agreeing to move forward and we'll have this issue over number 21 resolved one way or another before we actually take a vote and no one is opposed I am assuming, if you are actually opposed to any of this and

nobody spoke up earlier please put your red X through it. Evan, do you have your hand up?

EVAN LEIBOVITCH: Yes I do, actually I notice in Adobe Connect that Avri has not put a check mark, if there is a way Avri if you can speak either in Adobe Connect or by voice I would just like to hear why you haven't put a checkmark or if it is by accident or if you have a concern about this, I really would like to know.

GARTH BRUEN: Yes it is important.

AVRI DORIA: Okay can you hear me?

GARTH BRUEN: Yes please.

AVRI DORIA: The reason I didn't put my hand up is because Joly is the representative of the ALS; I figured you were speaking for the ALS and I am just here listening.

GARTH BRUEN: I should have made this clear because this is not an actual vote we are actually wanting to get as much inputs as possible so that's really what this is all about, we want to get from everybody.

AVRI DORIA: I have no objection.

GARTH BRUEN: Okay, I well, with that being the case unless anybody has any other concerns that they want to bring up on this call I would like to move forward with starting the process of getting a vote for these procedures and we'll resolve the issue with number 21 and we'll keep everybody updated as to that. Thank you very much everybody for your participation and your concentration on this and much appreciated. I will talk to everybody later, have a good day.

Bye. Thank you.

[END OF TRANSCRIPT]