

21 August 2009 NARALO Brainstorm Transcript

Evan Leibovitch: Hello there, everybody.

Unidentified Speaker: Good afternoon.

Unidentified Speaker: Hello.

Evan Leibovitch: So I'm told I'm the seventh one in. So I guess –

Unidentified Speaker: Peter said it and he never lies.

Evan Leibovitch: And I assume Heidi and Nick, you're both there?

Nick Ashton-Hart: Well I'm here. I think Heidi – she might have been – I just talked to her, she might have been taking a bio break or something before dialing in.

Evan Leibovitch: All right. Now, just for a little matter of information, there is an Adobe Connect page for this and this is actually the first time that people within NARALO, specifically yours truly, actually have some control over what's going on here. Which may not be such a good thing since I don't think I grasped everything from last week's connect meeting.

[Heidi Ullrich joined](#)

Alan Greenberg: How do we find out where the pointer is?

Evan Leibovitch: Oh, okay. It is on the meeting notice on Social Text. There is an Adobe Connect link. It wasn't there yesterday. I actually asked for it today.

Alan Greenberg: All right, let's see if I can find that.

Nick Ashton-Hart: NARALO.org and 21 September, 2009.

Evan Leibovitch: Do you have the Social Text page for the meeting up?

Nick Ashton-Hart: No, but it will come up soon.

Heidi Ullrich: I just put the link for the Adobe Connect into the NARALO's Skype. Alan, if you have that up.

Alan Greenberg: I could get that up, too. Unfortunately I'm dealing on a computer that has been worm and virus infested for the last several days and is somewhat crippled at the moment.

Evan Leibovitch: After this call I'll go into Linux mode and we can talk more.

Alan Greenberg: Delightful.

Evan Leibovitch: Hey, when you're doing this kind of thing, you never miss an opportunity. You know? The upgrades from Vista to 7 are going to be another time.

Unidentified Speaker: That's going to be a real posse.

Evan Leibovitch: The university here has already said they're not going to be supporting 7 for at least four months. But that's okay since they still don't support Vista, so everyone here is still on XP. Not necessarily a bad thing, but – So, I heard Alan, I heard Danny, I heard Nick, I heard Heidi. Who is on the call that I haven't heard from?

Garreth Shearman: Garreth.

Evan Leibovitch: Hello, there. Anyone else?

Sebastian Bachollet: Sebastian from EURALO.

Evan Leibovitch: Hello, there, Sebastian. Welcome to the call, welcome to our humble region.

Sebastian Bachollet: Hello, and I just connect to the Adobe Connect and it seems that it returns that I am a presenter. I am not a presenter. I don't know where you type in that, but sorry for that.

Nick Ashton-Hart: It's automatic. It's just promoting everyone. I'm not quite sure why. Well I know why, it's set that way. We can unset it, but –

Alan Greenberg: All of us can confuse each other by moving the screen up and down.

Evan Leibovitch: Well right now there's only two – there's basically only three screens. A list of people, chat –

[Seth Reiss joined](#)

Evan Leibovitch: Hi there, Seth.

Seth Reiss: Hi, Evan.

Evan Leibovitch: Okay, so I see Alan has just joined. Yes, there's only going to be three windows. One for the attendee list, one for an ongoing chat, and one for discussion notes that I'm hoping we will archive and turn into something useful later on.

Unidentified Speaker: Is the Adobe room open? Because I didn't see it on –

Evan Leibovitch: It certainly is. You can get to it right from the meeting page.

[Eduardo Diaz joined](#)

[Gordon Chillcott joined](#)

Garreth Shearman: Evan, this is Garreth. As of yesterday during the call that we had, the Adobe Connect room was not opening for me. I don't know what the issue is, but it suddenly starting doing that the last couple of days. So I'm not on there and I don't know what the issue is. I'm going to have to probably re-download the software or something later on. But I'm not on there and it's because I can't get it to open for me.

Evan Leibovitch: And see to me that's kind of scary, Garreth, because based on the training session we had last week, I think you're the only one in the region that actually knows how to use it.

Garreth Shearman: Yes, well that's fine, but I can't even get into it now. Maybe I did something or something happened during that session that caused it to lock up for me. I have no idea.

Unidentified Speaker: I didn't think there was any software to download. I don't remember downloading any. Maybe I did and I forget it.

Nick Ashton-Hart: There is a JAVA based client.

Unidentified Speaker: Yes, but that's the browser that downloads automatically unless you inhibit it. If you're saying you can't run Java, that would stop it from working.

Garreth Shearman: Yes, well I don't think I have trouble with JAVA.

Evan Leibovitch: Okay then, before we start on the call, I want to introduce other people to the call to two people that they may not have seen from participating in many NARALO calls before. And one is Sebastian Bachollet who is on the ALAC Executive Committee and is calling in from Paris. And the other person is Gordon Chillcott who is a member of one of NARALO's newest ALSs from the Toronto Linux user group. So hi there, Gordon, and I hope you don't get snowed under this stuff. But everybody has got to get their trial by fire sooner or later.

Gordon Chillcott: Thanks very much, Evan. Sorry I'm late, fellows. I just hit my desk quite literally a few minutes ago.

Evan Leibovitch: Oh no, this isn't late. Anyway. Okay, so as we discussed last week, the intention of this meeting, this is not a conventional NARALO meeting. This is meant to be a single item discussion that is meant to focus on how ICAAN At-Large will pick its board member. Just as a little bit of background in case you have been living under a rock, the ICAAN board over the last couple of weeks made a decision to allow a new board member that would be specifically selected by the At-Large community. And unlike the status quo in which case we have a nonvoting liaison, this will be a full blown, voting, participating member of the board.

And so with that status also requires that we give some thought to how that person gets chosen. And so the intention of this meeting is not to have a formal agenda to it, but essentially to let everybody say what they think about what needs to be done, the considerations we have to make. We won't necessarily come out with the way that everyone will agree with right now, but we have to start somewhere.

Alan Greenberg: Evan, I think one more thing – it's Alan, one more thing needs to be added for those who, again, aren't following these things in as much detail as some of us. This is indeed a voting board member which means they are not representing At-Large or ALAC. They're selected by them, but once there, they are a free agent essentially. And the presumption is you select someone who will be sufficiently like in mindset that you believe they will do good things on the ICAAN board, good things from a point of view of ALAC and At-Large. But they are certainly not represented and they are not there to act as a conduit necessarily in either direction.

Unidentified Speaker: Will they still be a liaison?

Alan Greenberg: No.

Evan Leibovitch: But, Alan, is what you're saying – Alan is what you're saying what the internet is or what must happen? Because one of the things that as far as I'm concerned, everything is on the table, including the possibility of having a recall mechanism if somebody doesn't echo what At-Large needs to be done.

Alan Greenberg: I can't speak to that. Maybe Nick can. And I don't know whether there are recall capabilities in the other cases. But this person has a fiduciary requirement to the corporation to act in what they believe is in the best interest of the corporation. Which may coincide with what At-Large wants, or may not in any given instance. And my belief is there is no recall, you are appointing this person to act in what you believe will be a good way on behalf of your organization, but there is no guarantee in it. Nick, do I have that roughly right?

Nick Ashton-Hart: Yes, the only thing I would add is this has come up before from other communities who appoint voting board members. The general counsel view, to paraphrase it, is that sort of a strict construction view that directors' responsibilities are, as Alan said, to the company as fiduciaries. It has been said by others who have a legal background in California law that in fact directors of a public benefit corporation have a corresponding duty to the public interest that is on a par with their responsibilities as a fiduciary. There has been no definitive statement on that question and it is not, to my understanding, the current position of ICAAN. [cross talk](#). You would have to ask perhaps the California Attorney General – [cross talk](#).

Unidentified Speaker: That is a correct statement. Nick, that is a correct statement. Public benefit law in the United States and I'm sure in the state of California.

Alan Greenberg: But that doesn't make it responsible to At-Large. That means there is a larger responsibility than simply to the best of the corporation.

Unidentified Speaker: That's correct, and the director has to determine – [cross talk](#)

Nick Ashton-Hart: You can tell us, right – it's their judgment of what is in the public interest.

Alan Greenberg: That's correct.

Danny Younger: Evan, could you put me in the queue, please?

Evan Leibovitch: Okay. Danny, you can also do hands up on the Adobe chat. Okay, I mean obviously this is something somewhat freeform, but okay, go ahead.

Danny Younger: Just to bring it to everyone's attention that there is a provision in the by-laws currently that stipulates that any director may be removed. And if selected by a supporting organization, it requires a three-quarter vote in order to make that happen. What's probably called for at this point, if Evan wants to move forward with the notion of the removal of an At-Large director, is to have the ICAAN by-laws amended to include removal by an advisory committee.

Evan Leibovitch: Well, I'm going under the supposition that when the new board member for At-Large comes, it's going to require a by-law update anyway, so that we've got some flexibility of what we want to recommend that by-law change make. And if that by-law change is to allow for say a recall mechanism, if we can convince the board, the board governance committee, and so on down the road, that that is in the interest of At-Large and of the board in doing that, that to me is fully within the board's ability to do in the by-law change.

Alan Greenberg: I didn't realize there was a recall provision at all, Danny.

Danny Younger: Yes, you'll find it in Section 11, Alan. It's –

Alan Greenberg: No, no, okay – I don't need the reference, I hadn't realized there was a provision for a supporting organization to recall.

Danny Younger: Well, no, the supporting organization doesn't do the actual recalling. It simply says that if selected by a supporting organization, it requires a three-quarter vote of all directors to –

Alan Greenberg: Okay, a three-quarter vote of the board.

Danny Younger: Right.

Alan Greenberg: Okay, sorry, that I was aware of.

Evan Leibovitch: But that's not a recall.

Alan Greenberg: That's not a recall. It may be requested by the supporting organization that named them to the support position.

Evan Leibovitch: Right, the recall is basically the folks that sent them want them back.

Unidentified Speaker: Well I think it might be an interesting or difficult company question whether ALAC would have the power to do that. That would be the first question. And then the second would be how to do it if it's doable.

Alan Greenberg: Evan, why don't we move onto the actual process we may have in mind for the ultimate appointment of a director?

Evan Leibovitch: Okay. I just wanted to – but before we move on, I just wanted to sort of get through the whole point between the fiduciary duty issue of where does the responsibility to ICAAN leave off and the responsibility to the public begin. I sort of interpret things as there is no difference. That ICAAN in its by-laws mentions protecting the public interest. I believe in its own incorporating documents, I think that might even be a California charitable requirement. So as far as I'm concerned, the fiduciary duty to ICAAN almost by inference means that there's a fiduciary duty to the public interest as well, that supposedly all existing board member are supposed to have, but the fact that there is an At-Large member specifically there just hammers that home. Alan?

Alan Greenberg: Yes, I support what you say. And to the extent, to some extent in this discussion, it doesn't really matter where that dividing line is or if there is a dividing line because that's going to be a matter of law and interpretation if it ever comes to the issue. The reason I brought it up was not to look at that dividing line, but to say that we're picking someone who's there to represent the interest of At-Large but not under the control of At-Large once they get there. And that's the important part of what I was – the reason I brought it up. Because knowing that does, not control, but have some impact on who it is we want to put there. They're really a free agent and you need to trust them implicitly once they get there.

Evan Leibovitch: But having said that, if through these discussions and debates through us and the other regions in ALAC we decide that there should be an extra level of accountability, we could try to ask the board for a recall which, while still allowing the person to be a free agent, does provide for some accountability.

Alan Greenberg: I would not put a lot of money on that if I were you, but yes, you could or we could.

Evan Leibovitch: Okay. Moving right along is Danny – okay, there's a number of people who haven't spoken up yet. I did not want this to be dominated by just a few people. Does anyone – I noticed Joey is in the chat room. Are you also in the call?

Joey MacFie: Yes.

Evan Leibovitch: Hi there. Does anybody who has not spoken yet have something to say? Garreth? Eduardo? Gordon? Joey? Anybody?

Joey MacFie: Is there any reason not to have the recall procedure as you've mentioned in your drafts?

Evan Leibovitch: It's being suggested that it may be highly difficult to actually get the board to approve that. It doesn't stop us from asking for it. And if it's something we really strongly want, they have to make a strong case against it. But I'll let other people answer that as well. Seth?

Seth Reiss: Yes, in terms of corporate structure, I'm not sure ALAC would have the power to recall. I just don't know. I think you have to analyze that first. I'm not sure if it's an issue of difficulty or whether it's permissible under the company law. So I just suggest you find out and then decide what you want to do after you find out whether it's possible.

Evan Leibovitch: Okay. Alan?

Alan Greenberg: Yes, Seth just said whether ALAC has the right to do it, if one wanted to make it even stronger and say At-Large in some more general sense has the power, that would be even harder. So there's a distinction between those two even within the overall thing which I think is going to be difficult to begin with.

Unidentified Speaker: Especially because At-Large as opposed to ALAC is appointing per the board's directive which means At-Large would be responsible for recall. So I concur with Alan that it would be a hard matter.

Evan Leibovitch: Okay. Then is it something –

Nick Ashton-Hart: So we have to make an agreement on this with all the other RALOs around the world for approaching the board with a suggestion or proposal.

Unidentified Speaker: What about asking legal to tell us whether it's possible. If it's possible, whether it would take a by-laws amendment for the company, or simply could be accomplished with a by-laws amendment for At-Large.

Alan Greenberg: If I may interject, the chance of this happening is probably not huge whether we want it to or not. I think we should get on with deciding what the selection process is on the assumption that we can't recall. And if we can recall, that's just an extra bonus. In terms of what Danny said, it's an At-Large director. We don't know what the process is yet which is why we're having this call to actually select them. Whether these is a component of that that ALAC actually does as we did for instance in the current liaison position, or if it goes back to the year 2000 with At-Large elections.

Evan Leibovitch: Okay.

Eduardo Diaz: This is Eduardo. I'm confused. Is this call to talk about the list, the process that you put out in our last call on how to select people or –

Evan Leibovitch: This is about going forward with how does At-Large choose a representative, a voting member of the board. It has nothing to do with current elections.

Eduardo Diaz: Well what does it have to do with recalling people? Is that part of the process?

Evan Leibovitch: Only that the process of electing someone may bring with it the ability to do a recall of somebody as a matter of accountability.

Eduardo Diaz: Okay.

Evan Leibovitch: Sebastian, we haven't heard from you. And since there was mention of what things would be like, what the approach would be in other regions, what is your feeling on issues such as recall?

Sebastian Bachollet: I have no strong opinion on that. It's – I always think that it's a three year term and normally we may do a good choice and then none of this is questioned. And furthermore, we need to see how it's really organized for the other because I don't think we can be so different than the others that are electing people to the board. Because if not, we are now not anymore just an advisory committee because all the other advisory committee will have their board elected director and we will then, we are a new creation now with this election. Then I think we need to stick with what is done for the other. And if with the others we want to change something together for the same possibility, it will be okay. But not just do that for us because really we will become something not understandable by anybody.

Evan Leibovitch: Okay. Sebastian, I'll give you the last word on that. And as has been mentioned, starting off with recall seems to be a somewhat negative way to do that, so let's get – now that that's out of the way, let's talk about how do we pick someone. Danny, you appeared to have something in mind or some ideas in mind when you first mentioned that.

Danny Younger: Well yes, I go back to the 2000 elections and I see that we had two processes that started matters off. One was a member self nomination approach and the other one was a nominating committee approach. Both of those approaches were used in the original 2000 elections that wound up fielding about five, six, 5, 6 or seven candidates per region originally.

I believe it's possible for the RALOs to come together and select individuals to serve on an At-Large nominating committee and that that nominating committee could be charged with opening up the process to obtain nominations, both self nominations and nominating committee recommended recommendations. And then ultimately, those recommendations would make it out to the RALOs for a voting process by region. You'd wind up having regional candidates and then ultimately the ALAC would vote on those candidates.

Evan Leibovitch: Okay, so that's something not – except for the nominating committee, if I read you right, that's not significantly different from the process that ALAC has attempted in the current vote.

Danny Younger: Correct. And the reason the nominating committee approach is important is that you want to be able to open this thing up to a broad range of candidates that might not otherwise be considered by the insiders among us. For example, in the year 2000, we had such notables as Lawrence S lesig and Barbara Simons stand for candidacy in the North American region. There's a reasonable chance that today's RALO process might not think of such luminaries if we didn't have an ancillary nominating committee approach.

Evan Leibovitch: Okay. Alan?

Alan Greenberg: One question clarification first and then I'll have a comment. Danny, I may have missed it, did you say a nominating committee for At-Large in general or per region?

Danny Younger: An At-Large wide nominating committee. My thinking was that you'd get two or three people out of every region –

Alan Greenberg: Yes, no, I just wasn't sure which I heard. I certainly support that kind of concept. One of the other things that a nominating committee does, assuming you constituted half reasonably, is that it acts as a filter so you don't end up having people who really don't meet the kind of qualifications that we're looking for. And my experience is that if you ask for self nominations and people's hats go into the ring without a filter, many people will say, I meet all of those qualifications and some of them patently don't by any level of standards. And I think that's really important that all of the names going into it are reasonable candidates. So I strongly support that kind of concept and we have plenty of time to do it. It's not as if it needs to be done in a one month period.

Danny Younger: I could see this stretching out for nine months to be honest with you.

Alan Greenberg: Oh yes. And the – sorry, I've lost my other thread – the other thing is we have to decide, and the comment about luminaries notwithstanding, to what extent do we want to – this goes back to the discussion we had on how do we know this person is going to do what we believe in, is to what extent do we want someone who is moderately well steeped in the issues that are important to At-Large as opposed to the issues that are important to the man in the street, but disconnected perhaps from those that At-Large has deemed to be important. And they may not be the same. We can look at the larger to get into the NCUC discussion a little bit more than I wanted to get into the civil society NGO discussion. And is everyone talking on the same bandwidth just because they happen to be "users"? Or not bandwidth, but on the same frequency. And I think the answer might not be yes to that. So I think we need to decide to what extent do we want luminaries, which I think is the Nom-Comm's job to find really good people for the board, as opposed to someone who is going to represent what we believe are the interests of At-Large and ALAC.

Evan Leibovitch: Well one thing that I'm hoping is being mentioned here is that the purpose of this nominating committee is simply to put up more than one candidate upon which people would vote. That this is not like the function of the current ICAAN nominating committee which isn't really a nominating committee but a selection committee.

Alan Greenberg: Correct.

Evan Leibovitch: So as I'm hearing from both Alan and Danny, what you're advocating is a nominating committee that might put forward a number of candidates, some of which are luminaries that may have a good grasp of the person on the street and some of whom might be steeped in ICAAN background. And you could easily have both kinds of people put up on a ballot that then people –

Danny Younger: Someone might be both.

Evan Leibovitch: Right. But I mean the idea as a nominating committee would put forth, if I'm reading you both right, is that this group would put forth more than one person and they could have different combinations of all these qualities.

Danny Younger: Correct.

Alan Greenberg: That is what I said.

Evan Leibovitch: And you're both saying that ALAC should have the final vote?

Danny Younger: At the moment I don't see any other feasible process short of election. Does anyone else?

Alan Greenberg: I have a strong belief that if this person is being named to represent the issues of At-Large to the board and to argue on behalf of At-Large type issues to the board, the ALAC is the group, is the formal group within ICAAN, who is responsible for the success of At-Large through the RALO and ALS structure. And through its members who are two-thirds put there by the RALOs. So there's a bidirectional path. And I don't think you can make a group responsible without having some connection. And again, just in terms of mindset, not actually pulling strings with the board member that they're speaking on their behalf.

Evan Leibovitch: Okay. Can we hear from some folks besides Danny and Alan? Is everybody okay with this? This could be a very short call. But certainly – I mean we've got a number of different people here –

Joey MacFie: I'll start, this is Joey. So you're saying that once the nominating committee puts up some candidates, then the ALAC is going to vote, not the regular sort of rank and file in NARALOs, right?

Alan Greenberg: I think Danny said there would be an intermediate stage where the RALOs vote, but I'm not sure.

Danny Younger: Correct. I envision an intermediate stage where let's say that the nominating committee selects seven people for North America. The RALOs and individual members of the NARALO would vote for those candidates probably with some type of preferential voting system, and then our regional results will be conveyed to the ALAC as will the results from the other regions, and then the ALAC would ultimately decide out of the space of candidates that they perceive which they deem best to go forward in that position.

Alan Greenberg: Are you implying that the region may or may not send forward all of the names in order but may do a subset also if they choose?

Danny Younger: Correct.

Alan Greenberg: So just what NARALO did this time?

Danny Younger: Yes.

Eduardo Diaz: Isn't that the same way it was done within Nom-Comm? Isn't that the way it's done? It's like a number of people, then they select, then that's what you send to the ALAC for confirmation.

Evan Leibovitch: Yes, but the difference, Eduardo, is when the Nom-Comm, when they finish picking people, that's it. There's no election, there's no yes or no, there's no choice between what the Nom-Comm says. When they have picked somebody, that's the end of that process.

Danny Younger: Many organizations also have a process following the Nom-Comm so people who are not selected by the Nom-Comm can, under some set of rules with enough support, petition to be on the ballot also.

Alan Greenberg: Which is why we did have the member nomination process in 2000 as well because that was an obvious concern.

Evan Leibovitch: Okay.

Eduardo Diaz: Evan, let me explain. I may not be clear. What I'm saying is what happened now, that the North American went through this process of selecting a representative to the Nom-Comm, there was something happening here like somebody was selected and then was sent to the ALAC. You follow me?

Evan Leibovitch: Okay.

Eduardo Diaz: So in other words, I agree with what Danny says.

Danny Younger: He is right, it is similar except in the case of the Nom-Comms, the people sitting on the Nom-Comm, there's one per region. So it gets a little bit messier than that, but yes.

Evan Leibovitch: Okay. I've got Seth and then Sebastian. If you want to speak, if you can, raise your hand on the Adobe. Basically just right click your name and say raise hand. I've got Seth and then Sebastian.

Seth Reiss: Yes, I guess I'm not proposing we should do this, but I would like to at least entertain the possibility that all the RALOs vote in unison for a representative. In other words, rather than just voting individually by RALO where we tend to select a person from our region, we actually get to know and consider people from all regions. Because there may be a particularly charismatic candidate and I think I for one would like to be able to consider people from all regions.

Evan Leibovitch: How are you – are you okay with the way that we've done things through the current election where for instance Wendy was put forward by Europe, Alan was put forward by four of the five regions. We had an awful lot of that cross regional nomination going on this past election.

Seth Reiss: But further, in other words, if you have candidates, and again this is brainstorming so I don't even know if I like it, I'm just thinking that we should think more than we have. If we have candidates that are running across all regions at the same time, then dealing with the preferential voting, I think it will be more clear whether all regions support a certain candidate. And particularly – and also I'm wondering if we really need or want ALAC to make the final cut. Again, I'm not sure that this is right, I'm just suggesting we think about it further. I'm not sure why this position shouldn't be a popular vote so to speak. And I think as a RALO member, I would like to look across RALOs and I think I have the ability and I think we could all develop a sensitivity to understand and appreciate individuals from places other than our own region. So I just think that we shouldn't exhaust those possibilities at this time.

Unidentified Speaker: I'd like to respond to that if I may.

Evan Leibovitch: Quickly.

Unidentified Speaker: Yes. The reason that I'm not keen on I guess what you would call a popular vote is the fact that we do have a certain disparity in the number of RALOs per region. We had problems in the 2000 elections where you wound up getting a regional block voting. By putting it into the ALAC's bailiwick, you tend to eliminate the regional bias that may come out of a popular election approach.

Evan Leibovitch: Okay. I've got Sebastian, then Glen, then Alan.

Sebastian Bachollet: Thank you. The question to Danny, is the nominating committee given a list different into each RALO? Or they can use a single list and discuss in each RALO?

Danny Younger: My original recommendation was a RALO by RALO approach. But there is some merit in Seth's suggestion that the nominating committee simply put forward a master list of all candidates from all regions.

Alan Greenberg: Danny, I thought that's what you said to begin with.

Danny Younger: I'm sorry, say that again, Alan?

Alan Greenberg: I thought that's what you had said. Maybe I misunderstood it.

Sebastian Bachollet: Why I ask this question is because my fear is that we are going too much regional and not enough global. When we take the nominating committee, it's as people put by the RALO or they are elected by the nominating committee. It's okay because we have five people to be elected, one from each region. Here it's just one people we have to elect. One person, sorry. And I think we need to see how it could work together because on the other hand, if we finally have one people selected by each region and voting because they are monitoring the RALO rep into the elect vote for the same candidates and we have five persons with three votes. I exaggerate of course because it would have some change, but globally we can end up like that and that's not what we want. We want to try to find the best candidate for all of us, not just for one region. And I have the feeling that if we come up with one single list in each RALO, and we ask the ALS of each region to select these five, six, seven people and then we can give that to the ALAC as a result in each region and see how they can (inaudible). Thank you.

Evan Leibovitch: Okay. Glen? The floor is yours.

Glen McKnight: Yes, I know that Seth was talking about regional representation and I think Sebastian went beyond just region on more of a global perspective. Since this is a brainstorming session, I was thinking more along the lines of community of interest where representation can actually look at certain groups of people based on their interests whether it be representation of people with disabilities or gender or in certain economic groups. I guess what I'm looking at is any election of an individual is speaking not for their own ethnic group or linguistic group or geographical location, but I think we need to be as equitable as possible with the people that are sitting at the table. Because there should be people speaking for the people without a voice. That's my comment.

Joey MacFie: This is Joey. I'll tell you, I think Sebastian has got a point that the RALO should be able to put in their two cents once the final nominees have been decided on even if it's another vote.

Evan Leibovitch: Okay. Yes, well that's going to happen already. What Danny and Alan have apparently proposed jointly though separately there is a process in the middle of this where the regions get to sort of reduce and redact the list of names put forward by the nominating committee. In which case, it seems like that's the appropriate and – that seems like that's the time that what you're suggesting could be done.

Joey MacFie: I'm misunderstanding because I understood that locally one would find candidates and then put them up to the Nom-Comm group and then we'd get down to like one from each region kind of thing. And then – was I wrong?

Evan Leibovitch: That's not what I heard. What I heard is that the nominating committee might pick five from each region and then the regions themselves whittle that down and maybe consider ones from other regions. Alan, Danny, did I misread you?

Joey MacFie: Yes, if you could clarify, Danny.

Danny Younger: So far, Evan, I think you've got it right.

Evan Leibovitch: Alan?

Alan Greenberg: Okay, a couple of things. I had one thing, but since then there's others. The – what I thought Danny said, when I asked Danny originally, is there one nominating committee or five, and he said one, I assumed that this group was proposing a list of names that would then be sent to all regions. Not five lists of names, one per region. So I always assumed that we were talking about a global list. The region would then you said reduce or redact, and I think you have to add, at the very least, order. They may choose to put them all forward, they may choose to put a subset forward, but whatever they put forward would be ordered.

Evan Leibovitch: Okay.

Alan Greenberg: And with respect to what Glen just said about we need to make sure we have someone there who is going to speak on behalf of those with no voice, I thought that's what we were all there for. I mean I thought that's the whole idea of At-Large. We're not representing 101.5 billion users, whatever the number is, we're there talking on behalf of those users who have no way of influencing the decisions, the policy decisions that are being made with regard to the things that are within the purview of ICAAN. So yes, we may forget about some group of silent people periodically and someone needs to remind us, but I believe that's the whole concept of ALAC and At-Large and we – it's not a new invention. It's something that I think explains why we're here to begin with.

Evan Leibovitch: Okay, Garreth, we haven't heard from you. How are you with how things are going? Okay –

Garreth Shearman: So far so good, Evan. I'm just wondering whether – if the regions are involved in suggesting names to the Nom-Comm, aren't perhaps the regions maybe more able to select people who might be or suggest people who might be better for the – who might support the idea of At-Large and ALAC better than somebody coming from a nominating committee, depending on how the nominating committee gets formed. I'm just a little unsure about the direction there.

Evan Leibovitch: Could you elaborate?

Garreth Shearman: Well how are these names going to be come up – who's going to be coming up with the names? Let's clarify this. The nominating committee? If so, how does the nominating committee get formed?

Evan Leibovitch: That's a reasonable question. I don't think we've gotten that far.

Unidentified Speaker: I think Danny said that it was formed, that is was composed of people named by the regions. I think he said two or three each or something like that.

Danny Younger: Correct. I figured you'd probably have 15 people on a nominating committee, three from each region. And to go back to the last point, yes, there is a possibility that the nominating committee could come up with names of some of us in a region whom I consider to be (inaudible). And we might want to have the ability to put forward our own candidates as well. So perhaps as an adjunct to this, we might want to reserve the right of a region to also put forward its own candidates.

Evan Leibovitch: I think I'd be okay with that as long as there were some limits on it.

Unidentified Speaker: Or one additional or something.

Danny Younger: Yes, I concur.

Evan Leibovitch: Okay. Sorry, I'm just typing as we go. Does anyone have anything else to add to this train of thought right now?

Unidentified Speaker: I think we're in a much better position than when we started.

Unidentified Speaker: Yes, I'd like to see it written down and then sort of think about it.

Evan Leibovitch: Well can the rest of you see what I'm typing in the discussion notes? Because I've been trying to –

Unidentified Speaker: Some of us can't multi program well enough to read and listen.

Evan Leibovitch: Okay, so at least some of you can see the pane that says discussion notes on the Adobe chat?

Alan Greenberg: I can see it.

Evan Leibovitch: Okay. Can you see as I'm typing?

Alan Greenberg: Yes.

Evan Leibovitch: Okay, so if I'm being – if I'm inaccurate at all with that's going on there, please let me know. I'm trying to codify what we're talking about.

Heidi Ullrich: This is Heidi. There will also be a transcript from this call.

Evan Leibovitch: Okay. But right now for the purposes of being in the call in real time, for people to sort of get a handle on what we're talking about. Now, I want to add one thing into the discussion that hasn't been talked about yet and that is the rule of individuals who are not affiliated with ALSs. This is something that is sort of near and dear to our region because I believe right now we're still the only one that has an official process to give some kind of voting representation, albeit a limited one, to individuals who aren't part of ALSs. And I want to ask this group whether or not this is something that we should be putting forward on a global basis to allow individuals, non-ALS affiliated people, to be able to participate in this process. I'm not saying yes or no, I'm tossing the question out there because it's something that –

Alan Greenberg: You're saying should this be imposed on the regions that haven't chosen to do it themselves?

Evan Leibovitch: I'm saying, should we make a suggestion at this time that this would be a good idea to go global?

Alan Greenberg: I think all we could do is make it a suggestion.

Evan Leibovitch: Okay. Garreth? Garreth, you had your hand up?

Garreth Shearman: Seeing as we have decided that it's important, I think we very much do need to suggest to the other regions that they take a hard look at this. Because NARALO has been saying right from the first that this is something that's important, that we can have people who are not ALS affiliated as a part of NARALO. And we've even just recently we've been talking about the issues around voting and how they affect those people. So I mean this is something we feel strongly about, so yes, we should be suggesting this to others.

Evan Leibovitch: Sebastian, you had your hand up at one point and you took it down. Are you okay?

Sebastian Bachollet: Yes, it's because I wanted to talk about something said before. Just I will do it. Somebody, I don't know, maybe it was Glen, somebody talked about the people with disability, we need to take care of them. And Alan says that we are here for that. Yes, we are here for that, but I will be very happy to have candidates or even to have members as ALS from those people because I think it's not just that we can talk on their behalf, but I hope that we can involve them in our discussion, in our work. And I think it could be one way to try to work at each RALO level to find some of those organizations who could be interested to join. For example, we just got, for senior people I know that it's not just visible, or some visibility, but it's one way to find those type of people coming to talk with us and possibly to our work. And if I can jump on the question of the individuals, I know we have different opinion on that in each region. It's been an issue since the inception of the EURALO because we have different groups of people who want to have those, those individual people and people who think that first they need to have an organization that at least in the country at a national level.

It's not too bad if you say, so you – if you start thinking in each RALO about this question again, and if it can be done by both at the same time around then, maybe it can move the situation. Thank you.

Evan Leibovitch: Okay. Alan?

Alan Greenberg: Two things. In your list of what you have suggestions on at hand, I did read it and there was also the suggestion brought up earlier on the ability for individuals with sufficient support to petition. So I don't know if we've ruled that out, but that was one of the things that was discussed.

Evan Leibovitch: You mean the self nominating component to this?

Alan Greenberg: No, not self nominating to the Nom-Comm, but once the Nom-Comm's nominations are out for the aggrieved person who feels they should have been named, and as 4,000 other people who agree, to get on the list. I'm not necessarily advocating but it's something that a lot of organizations do. So we may want to consider it.

The real point I put up my hand to make though was with regard to what Glen and then Sebastian said. I wasn't trying to downplay our responsibility and I have no allusions that all of us are focusing on people with disabilities in most of our daily life. And I would be delighted if we had ALSs who had a very specific focus on that. Whether it's disabilities or seniors or something like that. And I think that would be a marvelous addition to our ALSs and to our RALOs. I wouldn't want to pick someone for the board position because of that because we don't want to pick someone as a one topic board representative. If we happen to pick someone who represents our views and also is disabled or whatever, clearly that's not a bad thing assuming I can't ever meet some places that are welcome to people with disabilities. But I wouldn't want to focus on it as the main target of the board selection process. Politically incorrect.

Evan Leibovitch: Okay. Joey?

Joey MacFie: I just want to get a clearer idea of how we're suggesting that individual members get involved. Are we saying that they should form an ad hoc ALS and get a vote from ALS?

Evan Leibovitch: Right now that has been up to each region to define in their operating procedures of how they want to do that. Each region has made their own explicit decisions. NARALO is the only one to my knowledge that has in effect codified the concept of a pseudo ALS with the voting powers of a single ALS that is constituted by all the unaffiliated members that are in our region.

Joey MacFie: Okay, thanks.

Evan Leibovitch: But I guess the intention is that that would be up to each region. That when we talk about how the region would pick something, it would be up to each region to determine what that means.

Joey MacFie: Okay.

Evan Leibovitch: We can advocate that people have empowered individuals, but that's not something specific to this particular voting process.

Joey MacFie: With the suggestion it could come, so more recommended models.

Evan Leibovitch: Yes. Okay. Does anyone else have any other comments? Gordon, you're absolutely new and fresh to this. Do you have anything to say or add to anything you've heard?

Gordon Chillcott: No, thank you, Evan, I'm mainly sitting here observing. What I've noticed is that as somebody mentioned, we're a lot better off now than when we started the conversation. There's a lot of stuff here that's being solidified, but I think a little bit more thought needs to go in and perhaps another go around with this.

Evan Leibovitch: Okay. I don't see you on either the Skype chat or the Adobe Connect, so I'll go offline with you afterwards and talk to you about how to get in online to some of these things.

Gordon Chillcott: Yes, I'm running into trouble with my Internet connection right now I just discovered. So that might be part of it, but yes, certainly.

Alan Greenberg: Evan, it's Alan. I'm reading for what you put for 3A right now. I'm not sure I even like it. I just thought I'd say that. If you can't get three to apply, that is you can't get your region to support you, then I'm not sure we want this.

Evan Leibovitch: Okay. I mean I'm just tossing things –

Alan Greenberg: You can leave it there. I just thought I'd give that editorial comment since I was the one that suggested it.

Evan Leibovitch: And that's the only one that has a maybe next to it. Okay. Does anyone else have anything else to add or to suggest? I mean I'll read back what we've got so far in the Adobe Connect as the potential process that we want to move forward. And that is that we have a nominating committee to be created from people selected by each region. The nominating committee would then select the slate of people to be presented either globally or to the regions. The regions themselves at that point can add a small number of names to that list. The regions would then each of them individually reduce that list of names to put forward and then the ALAC would vote from that list of names put forward by the regions.

Alan Greenberg: I think it was reduce and/or order.

Evan Leibovitch: Okay, yes. In what I've said, regions would reduce the list of names and may possibly order the list put forward.

Alan Greenberg: Okay, I would have thought they must – they will order it and they may reduce it. But we have a different slant so why don't you generalize it and we can debate it later?

Evan Leibovitch: Okay. Are you okay with the wording I have there now?

Alan Greenberg: No, I don't think that represents that alternative view that is they will do an ordered vote, a prioritized vote, and may choose not to pass everyone forward. Whereas you're saying they will reduce it and may order it. If you just remove – replace the word may with or you would have gotten it.

Evan Leibovitch: How's that?

Alan Greenberg: Reduce and/or order the list of names put forward – and you don't need the parenthetical anymore – yes, correct. Perfect.

Evan Leibovitch: Okay, Eduardo, you've asked on the chat, can an unaffiliated individual be nominated? And I think the answer to that is, it depends based on what the region allows.

Eduardo Diaz: Okay.

Alan Greenberg: I don't think – the nominating committee is not nominating people –

Evan Leibovitch: Oh, that's right.

Alan Greenberg: On behalf of regions although there is a regional component because of board rules.

Evan Leibovitch: No, you're absolutely right, Alan. So, Eduardo, the answer is absolutely yes, the nominating committee is not limited to people that are members of ALSs or official members of RALOs. The nominating committee is free to go out there. I think as was said before about luminaries and so on, that you could go totally outside of the existing structure of At-Large to try and find people. That doesn't mean they are going to get elected, but it seems like that's totally within what the nominating committee is entitled to do.

Eduardo Diaz: Okay, thank you.

Evan Leibovitch: Does anyone else have any comments, questions, additions? [Cross talk](#). Sorry, I heard Seth somewhere.

Seth Reiss: Somebody else was taking as well. Why don't you let that other person go first?

Evan Leibovitch: I heard Seth and Alan at the same time.

Alan Greenberg: I was just going to say that I think I heard that other regions are having calls similar to this sometime in the future. The quicker we can get out a summary and they can see our wisdom, the better I would think.

Evan Leibovitch: Sebastian, is there an European call scheduled?

Sebastian Bachollet: I guess it will be one of the topics on our monthly call in two days now.

Evan Leibovitch: Okay. Seth?

Seth Reiss: Yes, I just wondered if you wouldn't mind listing as a less desired alternative the idea of a popular vote at the end. I just wondered if we couldn't keep that in –

Alan Greenberg: Can you define popular vote? You mean individuals or ALSs?

Seth Reiss: Yes, I think what I would suggest is a vote from the fringe, being each – I mean each region would have to determine how to do it, but I guess our region we would do what we typically do which is each ALS has a vote and the unaffiliated group has one or two votes.

Evan Leibovitch: So –

Seth Reiss: The idea would be instead – it seems to me ALAC is always voting for everything these days. Which is fine, and it's interesting because it's a little bit like a parliamentary structure as opposed to the non-parliamentary perhaps. But just so that the final vote comes from more from the fringe and less from a representative of the fringe.

Evan Leibovitch: So if I have you right, Seth, so that means that each RALO would then go back to their grass roots and find out who the preferred candidate would be from that grass roots, put that forward, and we would then effectively have a ballot of five voters?

Seth Reiss: Well, that's – I guess that's one possibility unless there's a way to weight their votes. I suppose there could be preferential voting among the five voters so essentially each RALO is having equal weight. Of course each RALO would need to have equal weight since each RALO is constituted a bit differently and would hold the vote a bit differently. Anyway, just a thought, just something to further pursue.

Alan Greenberg: I'm not sure I'm prepared to finalize the structure at this time. And it sounds like this is the less desired among this group discussing it and I would be comfortable making that statement, too, in there somewhere.

Unidentified Speaker: Evan?

Evan Leibovitch: Yes?

Danny Younger: Responding to Seth's remark, one of the reasons that I brought forward the ALAC as the final decision making body is not because of any particular love for the ALACs, but rather, in the United States we structure our elections with what's called an electoral college so that even after a popular vote has taken place, it's really that electoral college that ultimately winds up making the decision. And I see merit in that particular approach which is why I put forward the ALAC as the final resulting appointing body.

Evan Leibovitch: Unless your name is Al Gore.

Unidentified Speaker: Except that, Danny, the ALAC wouldn't have allegiance to the RALOs as our electoral college in theory does.

Alan Greenberg: Remember, each RALO can instruct their members to vote as they choose. The ALAC is not separate from –

Unidentified Speaker: Does that work in practice? I don't know, Alan.

Evan Leibovitch: Yes, Alan, I think in practice what happens is you still have 15 people who may have been given instructions. But at the end of the day it's still a secret ballot.

Alan Greenberg: So then we can make it non secret for the RALOs for their own votes if that's what they choose. We can set up the rules that we want. I'm sure if APRALO were to find out that their members did not vote in accordance with their instructions that there'd be hell to pay.

Unidentified Speaker: That's a very good point actually because historically both the DNSO and GNSO have always had open public elections for their directors. Any time a vote has been cast, whether it was for [Rita Rhodan](#) or whomever, the vote was always a public process.

Evan Leibovitch: Okay.

Unidentified Speaker: It becomes more difficult when you're prioritizing people and things like that than when you're simply voting for one of two.

Evan Leibovitch: Now that sort of leads us into one other question and that is, and this was brought up to me by somebody. Does the nominating committee members of the ALAC have a different status in this? And the reason I say that is because it was mentioned to me by somebody that there could possibly be an idea of double dipping, that the Nom-Comm directly appoints people to the ICAAN board and that it also gets to appoint one third of the people on ALAC who are now also sending somebody to the board. Is this considered to be an issue? If not, it goes away quickly. I just wanted to make sure it was raised.

Alan Greenberg: Ask the question again.

Evan Leibovitch: Okay. Does anyone believe that there is an issue of double dipping from the fact that the Nom-Comm of ICAAN gets to appoint people directly to the board and it also gets to appoint one third of the ALAC which now officially is going to send another person to the board? Is that double dipping?

Alan Greenberg: If you believe that the Nom-Comm coaches the people they appoint as to how to behave, maybe.

Evan Leibovitch: I'm just tossing the idea out. If it's irrelevant, then we move on.

Unidentified Speaker: Alan, do they –

Alan Greenberg: I don't even know who was on the Nom-Comm that appointed me, never mind why they appointed me.

Eduardo Diaz: I don't think that's double dipping. It's like far fetching. I'm not sure, it's like convoluted. So I don't think it's an issue.

Alan Greenberg: The double dipping that's going to be brought up many times is the other way around. I'm sure ALAC continue, ALAC in the regions continue to send five people to the Nom-Comm when they already have their own board member. My answer to that is, GNSO has seven people on the Nom-Comm so we already have established the process.

Evan Leibovitch: Okay. Just seems kinds of incestuous.

Garreth Shearman: Evan, a suggestion if I may?

Evan Leibovitch: Go right ahead.

Garreth Shearman: In our own written language on this particular proposal, if perhaps we change the expression nominating committee to At-Large nominating task force or something like that, it will avoid the confusion that might come owing to the similarity of term.

Unidentified Speaker: I agree.

Unidentified Speaker: Good point.

Evan Leibovitch: Yes. Of course if I had my way, it would be the ICAAN body that would change its name since it's not really nominating. But that's a different question.

Alan Greenberg: So you can choose to move the ant or the elephant. Your choice which you try to move.

Evan Leibovitch: Okay. So right now to clarify, I'm going to call it a nominating working group which at least will make it a difference clear. Okay. All right, we are an hour and six minutes into the call. Does anyone have any other comments or anything like that? Otherwise what I'm going to do is take the discussion notes, post them to the NARALO list, and get more comment and then send the results of that to next week's ALAC meeting.

Alan Greenberg: I will blurt out something just because I just thought of it. Board candidate selection committee. It says what it is. And I won't remember it five minutes from now so quickly type it in somewhere. Or write it on a scrap of paper.

Evan Leibovitch: Alan, what was that again?

Alan Greenberg: Board candidate selection committee. At-large board candidate selection committee. If you're lucky the acronym spells something.

Evan Leibovitch: ALBCSC

Alan Greenberg: Better than most.

Unidentified Speaker: Going forward, Evan, is there going to be a work space crated on one of the lists for us to get into deeper discussion on for example the methodologies by which individuals may have their names brought up for consideration if they've got 4,000 votes or what have you behind them? We still need a space where we can continue discussing the details of some of these things.

Evan Leibovitch: Now are you talking about the specifics about specific people that want to come forward? Or a Wiki that goes forward discussing this issue?

Unidentified Speaker: That and other ongoing topics that may arise. For example, simply the forms that perhaps somebody fills out obviously should indicate the name, address, particulars, ICAAN interest, etc. But we may want to talk about are there other specific elements that ought to go onto the forms that get considered? I'm just looking for a work space where we can further hash out the ongoing ideas.

Evan Leibovitch: I am taking it under an assumption that I can go offline with Nick and we can create a Wiki page. Is that going to be sufficient for this?

Unidentified Speaker: Probably so. Either that or a mailing list, whatever.

Evan Leibovitch: Well the Wiki page is good because people can go into it and edit it on the fly and so that you can have sort of a single sort of shall we say living document that tries to describe what's going on. As opposed to a list that's just things added on top of things added on top and so on.

Unidentified Speaker: Okay, it's your call. I'm comfortable either way.

Evan Leibovitch: Nick, I'm assuming that's not going to be difficult to do is just having a Wiki page about this?

Nick Ashton-Hart: No, that won't be hard.

Evan Leibovitch: Okay. Well from the discussion notes on this meeting, we already have something to populate it with. Okay, are there any other questions, concerns, last words as we go into the tail end of this? We've actually got quite a bit done.

Unidentified Speaker: Will our reps be bringing this forward to the ALAC meeting which is scheduled when, tomorrow?

Evan Leibovitch: I believe the ALAC meeting is tomorrow.

Heidi Ullrich: Yes, it is.

Alan Greenberg: I don't believe we have this on the agenda. It's a full agenda. Surely someone will quickly report that we had the meeting, but I don't think there's a substantive talk about it scheduled unless I'm mistaken. Heidi may know better than me.

Evan Leibovitch: I'm going under the assumption that the ALAC has to worry right now about its current selection of a liaison as opposed to what happens next. Is that fair to say?

Alan Greenberg: I think that's a process that's going on and it's out of our control at this point.

Evan Leibovitch: Okay. So yes, this I don't think needs to go to the ALAC immediately. I mean this is clearly going to be a longer term thing.

Unidentified Speaker: But it should go to the other RALOs as soon as possible because we have done – I think we've come up with something substantially different than what has been tossed around before.

Evan Leibovitch: Okay. Nick or Heidi, could you take the contents of the discussion notes and pump that to the secretary's list kindly?

Heidi Ullrich: Yes, I'm happy to do that, Evan. It is also on the agenda of the next conference call as well.

Evan Leibovitch: Okay, so that helps.

Alan Greenberg: Danny was saying something I think.

Danny Younger: I was just thinking, Alan, maybe as a last minute under any other business that you just might want to throw in a word about it.

Alan Greenberg: If we ever get to any other business, yes. Garreth will act as my policeman if I don't.

Evan Leibovitch: Okay. Does anyone have any last words? We're an hour and ten minutes into the call and it's I think time to wrap things up.

Alan Greenberg: I think this is one of the more productive ICAAN one hour calls I've had. Thank you.

Evan Leibovitch: Thank you. Thank you, all. This has been very good. And Sebastian, thank you for coming in and giving us a visit. Good evening. And –

Sebastian Bachollet: Thank you for allowing me to participate. Thank you. It was very interesting and I hope that we will be able to follow some of this with the other RALOs. Thank you very much.

Evan Leibovitch: Okay. And again, thank you all for coming and thanks for the good words on that, Alan. And I guess we will see many of you at the October NARALO conference call and look forward to seeing you guys then. Until then, have a good day.

Garreth Shearman: Evan, you wanted to talk on Skype in about ten minutes?

Evan Leibovitch: Yes.

Garreth Shearman: Okay.

Evan Leibovitch: Thanks, everybody. Good-bye.