

21-09-2009 NARALO Brainstorm Summary Minutes

Summary Minutes of the NARALO Brainstorm on At-Large selection process of Board representative

Participants: S. Bachollet (SB), G. ChillcotT (GC), E. Diaz (ED), A. Greenberg (AG), E. Leibovitch (EL), J. MacFie (JM), S. Reiss (SR), G. Shearman (GS), D. Younger (DY)

Staff: N. Ashton-Hart (NAH), H. Ullrich (HU)

The fiduciary duty of Board members was discussed. Although the ICANN bylaws state that Board members have a fiduciary duty to ICANN, there was a question whether Board members have an associated duty to the public interest. Participants said that ICANN's own corporate bylaws require it to serve the public interest, therefore fiduciary duty to ICANN and advocating the public interest are fully compatible.

Questions were raised regarding whether a Board member could be recalled, as well as if a recall provision was viable or otherwise worthwhile.

AG said that the chances of the Board accepting a recall provision for the At-Large appointee were not high.

SB commented that the At-Large process used to select a voting Board member should not be too different than those used to select board members from other advisory committees and supporting organizations. It was noted that other Board members appointed by SO/AC groups do not currently have recall provisions.

DY stated that an At-Large wide Nominating Committee should be used to attract 'non-insiders' to the process.

AG and most other participants agreed with the concept of an At-Large Nominating Committee as this process would act as a means to ensure that the names submitted would be viable candidates.

SR suggested that the vote should perhaps be a popular vote rather than just ALAC. Also, regions should be able to put forward people from other regions.

GC and SB stated that perhaps the nominating committee should make an effort to put forward a diverse range of candidates.

AG suggested that the At-Large nominating committee be re-named "At-Large Board Selection Committee". EL suggested "Board Selection Working Group".

By consensus, meeting participants reached general agreement on a preferred method for choosing a Board member, though some issues were still open to variations:

- 1) An At-Large Board Selection WG to be created from people selected by the At-Large regions
- 2) The At-Large Board Selection WG will be tasked with creating a list of candidates to be presented to the RALOs;
- 3) The RALOs will be able to add (a limited number of) names to the list, allowing individuals to petition to their Region to be added.
- 4) RALOs may reduce and/or order the list of names to forward to ALAC
- 5) ALAC will have the final vote, based on the candidates put forward by the RALOs
- 5a) As an alternative method, each RALO could directly vote its own preference after consulting with their members
- 5b) The vote may be open to ensure that regional interest is maintained