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Sidley note to CWG-Stewardship	Page #	Who?	Response
I. PTI Governance			
Cross-reference to appropriate accountability mechanisms relating to community approval (or veto, e.g., as used with respect to amendments to standard ICANN Bylaws) or develop separate mechanism(s)	Pages 5, 9, 35, 36, 51, 53	CCWG-Accountability / CWG-Stewardship	
Will there be any ordinary course asset dispositions by PTI (i.e., does ICANN currently dispose of IANA assets)? If so, an exception for these types of dispositions could be included.	Page 8	CWG-Stewardship	<u>To be determined</u>
II. ICANN-PTI IANA Functions Contract			
Reference source for agreed initial form of contract.	Page 8	CWG-Stewardship	<u>To be determined</u>
List of matters to be refined based on terms of the final IANA Functions Contract.	Page 10	CWG-Stewardship	<u>To be determined</u>
Any need for more detail on the process for public comments here and elsewhere in these proposed bylaws? We note that this general language is used in the current ICANN bylaws so it may be sufficiently well understood	Page 10	CWG-Stewardship	<u>The ICANN public comment process is standard so no further detail is needed.</u>
See comment under IFR relating to supermajority approval requirement.	Pages 10, 42, 43	DT-N / DT-CSC	This need to be done with reference to the procedures defined for the SO. Perhaps to cover the possible absence of a defined supermajority, it could include something like: 2/3 in the event supermajority is undefined by the SO.
III. Customer Standing Committee (CSC)			
The Proposed Charter in the CWG Final Proposal is silent on this. Confirm who makes	Pages 13, 21	DT-CSC	The appointment of TLD representative not considered a ccTLD or gTLD, is covered

<p>these determinations. The CSC itself or one or more of: RySG, ccNSO, GNSO?</p>			<p>under the Membership Selection Process (pages 73-74 of the Final Proposal):</p> <p><i>A representative for a TLD registry operator not associated with a ccTLD or gTLD registry, will be required to submit an Expression of Interest to either the ccNSO and or GNSO Council. The Expression of Interest must include a letter of support from the registry operator. This provision is intended to ensure orderly formal arrangements, and is not intended to imply those other registries are subordinate to either the ccNSO or the GNSO.</i></p> <p><i>The full membership of the CSC must be approved by the ccNSO and the GNSO. While it will not be the role of the ccNSO and GNSO to question the validity of any recommended appointments to the CSC they will take into account the overall composition of the proposed CSC in terms of geographic diversity and skill sets</i></p>
<p>Who decides which of these two?</p>	<p>Pages 13, 44, 57</p>	<p>DT-CSC / DT-N</p>	<p>With regard to the NRO (or ASO) these are largely one and the same and represent Regional Internet Registries. However, it would make sense that in this instance the ASO makes the decision as the ASO is formally recognized under the ICANN structure.</p>
<p>If a new SO/AC is formed, is the intention that it get a liaison or is it limited to currently formed? If the former, we should add a prong</p>	<p>Pages 13, 22</p>	<p>CWG-Stewardship</p>	<p>Personally, I think it makes sense that there is provision for a liaison from any future SO or AC.</p>

- Commented [GA1]: Comment from Donna Austin
- Commented [MB2]: But this is more a matter of the charter, not the bylaws.
- Commented [MB3R2]:

(vii) for other SO/ACs that are formed after the adoption of these Bylaws.			
Should this preference apply to SCWG as well?	Pages 14, 22	DT-CSC	The SCWG was created after the CSC work was finalized. It appears to make sense to apply the same preference.
The CSC Charter would also be a fundamental bylaw.	Pages 14, 21, 29, 31	DT-CSC	This seems to be a statement of fact rather than a question.
Will the results of the reviews be made publicly available?	Page 14	DT-CSC	Yes, the results of the reviews will be publicly available.
By what threshold (e.g., a supermajority)?	Page 15	DT-CSC / DT-N	The intention is that the respective Councils (ccNSO and GNSO) would vote to ratify any proposed charter amendment/s and the threshold would be in accordance with their respective methods of operation. Supermajority of both Councils would seem appropriate if this can be accommodated.
Clarify whether CSC Charter amendments must be approved by the ICANN Board; the heading in Paragraph (271) only mentions the SOW but Paragraph (272) mentions CSC Charter amendments. Clarify whether the consultation and approval requirements for CSC Charter amendments that have been recommended by an IFRT (see [Article IV, Section 6.6] below) also apply to CSC Charter amendments more generally (i.e., not recommended by an IFRT).	Page 15	CWG-Stewardship	<p>A charter review by the CSC only requires ratification by the GNSO and ccNSO (according to the published CSC Charter) and should not require Board approval.</p> <p>As amendments to the CSC Charter proposed by the IFR follow largely the same process as a CSC initiated review, and includes ratification by the ccNSO and GNSO Councils, I do not believe Board approval is necessary.</p> <p>However, it does seem reasonable that any recommended changes to the SOW would require Board approval.</p>

Commented [CG4]: I am not sure it is a good idea for the CSC Charter to be in the Bylaws, let alone a fundamental bylaw. I do believe that the existence of the CSC should be a fundamental bylaw. I don't think it is a good idea for it to be too difficult to modify the charter itself as long as the purpose and basic composition of the CSC is in the bylaws. This would also be consistent with the response three cells below.

Commented [MB5R4]: Fully agree with Chuck here

Commented [MB6]: Especially given that it is a contract between ICANN & PTI

Commented [GA7]: Comment from Donna Austin

<p>Discuss what specific consultation and escalation processes we intend to reference.</p>	<p>Page 16</p>	<p>DT-CSC / DT-M</p>	<p>The Charter contains a section on Proposed Remedial Action Procedures (page 75) which is illustrative of the possible processes. It also states: <i>It is anticipated that the procedures would be agreed between the CSC and the IANA Functions Operator prior to implementation (of the procedure).</i></p> <p>The intention being that once the CSC is formed and the PTI is established, the CSC and representatives from the PTI would meet to discuss an escalation procedure. At the time the CSC finalized this work the SLEs were still being developed and not available. It is envisaged that the SLEs will be an important input to any process that is developed and agreed by the CSC and PTI.</p> <p>Chuck’s response to this question has more substance. My response is based on my understanding of how DT-CSC envisaged remediation.</p> <p>Chuck’s Responses</p> <p>Paragraph 312 of the CSC Charter is a good place to start: “The CSC is not mandated to initiate a change in the IANA Functions Operator via a Special IANA Function Review, but could escalate a failure to correct an identified deficiency to the ccNSO and GNSO, which might then decide to take</p>
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			<p><u>further action using agreed consultation and escalation processes, which may include a Special IANA Function Review.”</u></p> <p><u>The Escalation Mechanisms described in the CWG Stewardship proposal Annex J (reference 1.b above) provide a process for the CSC to use in referring issues for ccNSO and GNSO action, i.e., the IANA Problem Resolution Process. It is this process that should be referenced.</u></p> <p><u>The following provide guidance regarding consultation processes:</u></p> <ol style="list-style-type: none"><u>1) Phase 2 of the IANA Customer Service Complaint Resolution Services (Annex I of the CWG Proposal, paragraph 381, item b) provides for IANA service complainants or the IANA Functions Operator to report unresolved problems to the CSC.</u><u>2) Paragraph 384 of the Escalation Mechanisms described in the CWG Stewardship proposal Annex J (reference 1.b above) outlines the following consultation steps:</u><ol style="list-style-type: none"><u>a. CSC reports persistent performance issues to the IANA Functions Operator staff and requests remedial action in a predetermined number of</u>
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			<p><u>days.</u></p> <p><u>b. CSC confirms completion of remedial action.</u></p> <p><u>c. If CSC determines that the remedial action has been exhausted and has not led to necessary improvements, the CSC is authorized to escalate to the PTI Board and further if necessary.</u></p> <p><u>3) Paragraph 362 of the Proposed CSC Charter in the CWG Proposal (reference 1.a.ii above) proposes some possible escalation steps that the CSC could take with the IANA Manager, PTI Board, GDD President, ICANN Board and ICANN CEO. Note the following implementation action item that is contained in this paragraph: “It is anticipated that the procedures would be agreed between the CSC and the IANA Functions Operator prior to implementation.”</u></p> <p><u>4) Paragraph 320 of the CSC Charter says: “The CSC will, on an annual basis or as needs demand, conduct a consultation with the IANA Functions Operator, the primary customers of the naming services, and the ICANN community about the performance of</u></p>
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Commented [MB8]: I think we need to avoid over-specification here: CSC needs some leeway to address issues as best it sees fit, so a case-by-case approach would make most sense to me. We should not seek to impose a standard approach, but to require best endeavours on both sides.

			<p><u><i>the IANA Functions Operator.</i></u></p> <p><u>Regarding where the remedial procedures should be set forth:</u></p> <ul style="list-style-type: none"><u>A proposed version is presently included in the CSC Charter and, once they are finalized between the CSC and IANA Functions Operator, the CSC Charter should be amended to include the finalized version.</u><u>They should also be included in the IANA Functions Contract.</u> <p><u>The Remedial Action Procedures and the ccNSO/GNSO escalation processes should be integrated as soon as possible after the Remedial Action Procedures are finalized by the CSC and IANA Functions Operator. The integrated version should be included in the CSC Charter and the IANA Functions Contract.</u></p> <p><u>These processes should be integrated with the IANA Problem Resolution Process described in Annex J to the CWG Final Proposal.</u></p> <p><u>Note the following discrepancy in the Proposed CSC Charter regarding the development of escalation steps:</u></p> <ul style="list-style-type: none"><u>Paragraph 316 says: “<i>The Remedial</i></u>
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Commented [MB9]: I am concerned about imposing this level of detail – as noted before, we need some degree of flexibility (and pragmatism). Cld we simply put in the ICANN-PTI contract something like, “PTI will work with CSC to resolve issues. CSC may escalate problems to ICANN and, failing all efforts to resolve the issue, might escalate the issue to the ccNSO and GNSO.”

Commented [MB10]: Same problem for me: we are trying to specify something that needs to be left flexible for resolution between experts. Hence I do not think it is an issue for the contract and the charter should give procedures as an example of what might be done.

			<p><u>Action Procedures are to be developed and agreed to by the CSC and the IANA Functions Operator post-transition, once the CSC is formed.</u></p> <ul style="list-style-type: none"> • <u>Paragraph 362 says: "It is anticipated that the procedures would be agreed between the CSC and the IANA Functions Operator prior to implementation."</u> • <u>It seems clear that the formation of the CSC is a prerequisite for finalizing the escalation procedures so, if the CSC is not formed until after the transition occurs, then paragraph 362 of the charter would need to be modified.</u> • <u>Whether it is pre-transition or post-transition, an implementation action item needs to be included in the work plan to finalize the escalation procedures.</u>
Annex H of the CWG Final Proposal includes SLE principles to help define the final SLEs to be included with the proposal submitted to the NTIA. Paragraph (194) of the CWG Final Proposal provides that these recommendations would be provided to the CSC, post-transition, for its consideration, approval and implementation according to a schedule developed jointly with PTI.	Page 17	CWG-Stewardship	This is seems to be a statement of fact. Is there an associated question?
This is from Paragraph (360) of the Proposed Charter in the CWG Final Proposal. "The	Page 17	DT-CSC	Paragraph 360 actually says: <i>The CSC or the IANA Functions Operator can request a</i>

Commented [GA11]: Comment from Donna Austin

<p>CSC may request a review or change to service level expectations. Any proposed changes to service level expectations as a result of the review must be agreed to by the ccNSO and GNSO.” Consider whether any other approval would be required, such as ICANN or PTI, or whether this should run through IFR, which is also tasked with taking CSC input and possibly recommending changes. Is the intention to amend SLEs in the IANA Functions Contract?</p>			<p>review or change to service level targets. Any proposed changes to service level targets as a result of the review must be agreed to by the ccNSO and GNSO.</p> <p>From memory, I think the intention is that the CSC and PTI would agree to review service level targets at the request of one or the other and would subsequently review together and agree to any resulting changes. Those changes would require approval by the ccNSO and GNSO.</p> <p>As PTI is a party to the review and can also request a review, I don't believe any approval beyond the ccNSO and GNSO is required.</p>
<p>Paragraph (316) of the Proposed Charter in the CWG Final Proposal provides that Remedial Action Procedures will be developed post-transition, after the CSC has been formed. Where will the Remedial Actions Procedures be set forth once agreed – CSC Charter, IANA Functions Contract and/or somewhere else? Will the Remedial Action Procedures and the ccNSO/GNSO escalation processes described below be integrated/set forth in a single document? Will these processes be integrated with the IANA Problem Resolution Process described in Annex J to the CWG Final Proposal?</p>	<p>Pages 18, 31, 32, 48</p>	<p>DT-CSC / DT-M</p>	<p>I agree with Chuck's suggestions in response to these questions.</p> <p><u>Chuck's Proposed Responses</u></p> <p><u>Has it been confirmed with the ccNSO and GNSO that this escalation responsibility is consistent with their missions?</u></p> <p><u>Have the ccNSO and the GNSO identified any actions that may be needed to allow for this role?</u></p> <p><u>Have these tasks been included in the implementation work plan?</u></p>
<p>Footnote 55 of the CWG Final Proposal</p>	<p>Page 19,</p>	<p>DT-CSC / DT-N</p>	<p>This seems to be a reminder. Is the</p>

Commented [MB12]: If I remember correctly, this was all about allowing service levels to be reassessed in the light of operational experience. I concur with Donna: this is amending in response to customer needs

<p>notes that the roles of the ccNSO and GNSO should be further investigated to ensure that this is consistent with their missions as well as to identify any actions that may be needed by the SOs to allow for this role.</p>	<p>49</p>		<p>suggestion that the CWG needs to undertake this investigation to ensure this is possible prior to the finalization of the bylaws.</p> <p>I also note Chuck has responded to this question too.</p>
<p>Do you want more specificity on how this consultation will be done? <i>The CSC shall, on an annual basis or more frequently as CSC determines is needed, conduct a consultation with PTI, the primary customers of the naming services and the ICANN community about the performance of PTI.</i></p>	<p>Pages 19, 20</p>	<p>DT-CSC</p>	<p>Not at this time—this is for the CSC to decide once it is established. The first review of the CSC Charter may be an opportune time to consider adding more specificity.</p>
<p>Do you want more specificity on how this consultation will be done? <i>The CSC, in consultation with registry operators, is authorized to discuss with PTI ways to enhance the provision of PTI’s operational services to meet changing technological environments; as a means to address performance issues; or other unforeseen circumstances. In the event it is agreed that a material change in IANA naming services or operations would be beneficial, the CSC [reserves the right to call for a community consultation and independent validation], to be convened by PTI, on the proposed change.</i></p> <p>Unclear whether this requires public</p>	<p>Page 20</p>	<p>DT-CSC</p>	<p>Not at this time—this is for the CSC to decide once it is established in consultation with the PTI.</p> <p>From memory, this was added as a result of discussions with David Conrad who wanted a mechanism that would allow PTI to make operational/technical changes to enhance service delivery.</p> <p>The implementation of any recommended change would be the responsibility of PTI. It would make sense that SLEs may be established to ensure that service delivery is not impacted by implementation.</p>

comment for all proposed changes and what would be required to independently validate a proposed change. Discuss how these recommended changes are implemented, including whether they would cause changes to the IANA Functions Contract and/or SOW, and if so, how implemented.]			
Paragraph (322) of the Proposed Charter in the CWG Final Proposal will be addressed in the IANA Functions Contract	Page 20	DT-CSC	This appears to be a statement that does not require a response.
Paragraph (336) of the Proposed Charter in the CWG Final Proposal states that this should be submitted to “either the ccNSO and GNSO Council.” Confirm appropriate wording	Page 24	DT-CSC	This should be: to either the ccNSO Council or GNSO Council.
Confirm whether the ccNSO and GNSO approve the liaisons as well as the members. Paragraph (337) of the Proposed Charter in the CWG Final Proposal states that the ccNSO and GSNO approve the “full membership” of the CSC but does not mention approval of liaisons.	Page 24	DT-CSC	Full membership should include ‘liaisons’.
Would an individual be able to serve again after a certain amount of time had elapsed?	Page 25	DT-CSC	Yes. We should make this consistent with NomCom or other ICANN practices.
Need to determine how liaisons placed in two year vs. three year terms. For example, could alternate terms in order in which appointed.	Page 26	DT-CSC	Alternating terms in order of appointment makes sense.
ccNSO Council provisions of the current ICANN Bylaws include the “sufficient cause” language. Consider whether to add here. Also, added “lesser of” concept in case the CSC does not meet nine times in one year.	Pages 26, 27	DT-CSC	It seems prudent to add the possibility to remove a CSC member/liaison for reasons other than failure to attend as suggested by Sidley.

Commented [CG13]: Note that the NomCom and most ICANN structures have term limits. Should there be term limits in this case?

<p>Will removal be automatic or will it require a vote of the CSC or decision by the Chair? (see Article IX, Section 3.6], relating to the ccNSO Council, which provides that Council members may be removed for not attending three consecutive meetings of the ccNSO Council without sufficient cause or for grossly inappropriate behavior, both as determined by at least a 66% vote of all ccNSO Council members). Can CSC members/liasons be removed for reasons other than failure to attend a sufficient number of meetings (e.g., for grossly inappropriate behavior, for which ccNSO Council members can be removed)?</p>			
<p>Consider having Chair seek input and then decide on time and date.</p>	<p>Page 28</p>	<p>DT-CSC</p>	<p>Agree with the suggestion.</p>
<p>Specificity on how updates provided? For example, ICANN website posting?</p>	<p>Page 28</p>	<p>DT-CSC</p>	<p>Updates are to take the form of a formal presentation that is recorded. The presentation and recording are to be posted on the ICANN website.</p> <p>The Charter provides a section on Record of Proceedings (pg.75), para 343 notes: <i>Information sessions conducted during ICANN meetings will be open and posting of transcripts and presentations will be done in accordance with ICANN's meeting requirements.</i></p> <p>It would make sense to have a dedicated web presence for the CSC.</p>

Commented [MB14]: I'd say it was the role of the RySG/GNSO or ccNSO to take action (perhaps following a request of the CSC chair. It might be appropriate for the Chair to ask the liaising organisation to replace their liaison in the case of appropriate misbehavior.

Commented [MB15]: A bit of detail too far! If we have to specify, then I'd say it was a secretariat role.

Commented [MB16]: This is also about PTI providing monthly reports (ICANN-PTI contract provision?). I would expect CSC to analyse these reports and provide a monthly report to the ccNSO and GNSO (even if this were to simply say that performance is in line with contract and is at least as good as last month!).

Discuss what is required in relation to reporting of remedial actions.	Page 29	DT-CSC	Requirements are unknown at this time—these will largely be dependent on the Remedial Action Procedures which are to be developed after the CSC is established.
Unclear what specific ICANN requirements are being referenced here: <i>Information sessions conducted during ICANN meetings will be open and posting of transcripts and presentations will be done in accordance with ICANN's meeting requirements</i>	Page 29	DT-CSC	The ICANN meeting requirements are not, to my knowledge, contained in the bylaws. Perhaps it would be best for this clause to read: <i>Information sessions conducted during ICANN meetings will be open. Transcripts and presentations will be posted on the ICANN meeting site consistent with current ICANN practices.</i>
IANA Problem Resolution Process (for IANA naming services only)			
IANA Function Review (IFR)			
Clarify the extent to which IFRs should be incorporated into new Affirmation of Commitments—mandated reviews (per Paragraph (106) of the Final CWG Proposal) as Jones Day's draft AoC review bylaws circulated by Sam Eisner on October 4, 2015 include provisions that are not applicable to IFRs (e.g., different composition of review teams, annual report focused on ICANN accountability and transparency). If IFR provisions are to be incorporated into AoC reviews, include in Section 5 of Article IV (or cross-reference to applicable provisions) and modify other provisions of Section 5 as necessary.	Pages 33, 34, 48	CCWG-Accountability / CWG-Stewardship / DT-N	<u>The original idea was that the IFR was AOC review-like, recognizing difference. Its being a Fundamental Bylaw is its most important differentiator. It is also modeled largely on the CCWG process being developed in the CWG and CCWG.</u>
Paragraph (194) of the CWG Final Proposal	Pages	DT-N	I think that Paragraph 301 being focused on

Commented [MB17]: I have a vague recollection that the NTIA-ICANN SoW has a requirement for ICANN's IANA team to reach out to the community at ICANN meetings. Having attended a number of these, there is not an overwhelming community engagement, but the IANA team engagement with the ccNSO is usually well attended and helpful.

provides that the IFR “will not commence” until two years after this date, but Paragraph (301) provides that the initial IFR must be completed by this 2 year anniversary	34, 35		the IFR while <u>Paragraph 194</u> being a <u>timetable</u> makes <u>Paragraph 301</u> the <u>determining one</u> . However, <u>Paragraphs 267/268</u> seem to confirm the ambiguity. <u>Paragraph 194</u> does allow, however for a <u>Special IFR</u> sooner than 2 years then needed. <u>CWG needs to pick one</u> .
Confirm how to measure the 5-year interval (between IFRs commencing or between a finished IFR and commencement of the next one); JD draft AoC bylaws provide for reviews no less frequently than every 5 years, measured from the date the previous review team convened its first meeting; existing bylaws compute 5 year review period from when the final report is received by the Board.	Page 35	DT-N	<u>Confirmed: 5 years start to start</u>
What “oversight bodies” are intended? ICANN? CSC?	Page 37	DT-N	<u>I think this is community oversight a reference to the mechanisms being created in CCWG-Accountability that were not clearly visible at that time. The functions defined are related to the Sole Designator powers currently in flux in CCWG-Accountability, some of which remain difficult to determine. But in any case, I think the answer is the structure being created for community oversight of ICANN and its functions.</u>
IFRT authorized to conduct site visits on-demand per Table of Reviews in Paragraph (307) of the CWG Final Proposal.	Page 40	DT-N	<u>Yes</u>
Discuss what the standard for “opposition from that community’s members” is.	Pages 41, 42	DT-N	<u>Good Question.</u> <u>Since acceptance of the proposals is</u>

Commented [GA18]: ACTION for the CWG

			<u>supermajority, superminority+1 might be the criteria.</u>
Confirm that this is the correct supermajority for Councils. The current ICANN Bylaws do not include a standard for Council supermajority but for GNSO, "GNSO Supermajority" is defined as "(a) two thirds (2/3) of the Council members of each House, or (b) three-fourths (3/4) of one House and a majority of the other House";	Pages 10, 42, 43, 49, 50, 52, 55	DT-N / DT-CSC	<u>Suggest: Supermajority as defined in bylaw or council operating procedures, else if undefined 2/3</u>
Confirm whether Board approval requirement is intended to apply to SOW amendments only or also to CSC Charter amendments. Heading in Paragraph (271) of the CWG Final Proposal only mentions SOW but Paragraph (272) mentions CSC Charter amendments.	Page 43	DT-N / DT-CSC	<p>Same comment as provided above ref: Page 15</p> <p>A charter review by the CSC only requires ratification by the GNSO and ccNSO (according to the published CSC Charter) and should not require Board approval.</p> <p>As amendments to the CSC Charter proposed by the IFR follow largely the same process as a CSC initiated review, and includes ratification by the ccNSO and GNSO Councils, I do not believe Board approval is necessary.</p> <p>However, it does seem reasonable that any recommended changes to the SOW would require Board approval.</p>
Can we be more specific?	Page 44, 58	DT-N	<u>If you mean how we refer to the other Operational communities, that is hard and it may not be the same for numbers as</u>

			<p>protocols. Currently they are planned as ICANNIANA customers. Easy way would be to refer to RIRs and IETF. Do not know if we want to refer to ASO and RIRs instead of just RIRs. I do not think this is going to change anytime soon, so would not worry about being more general as in Numbers Operational Community and Protocol Community.</p> <p>What do the RIRs/ASO and IETF/IAB want us to use in reference to them?</p>
Jones Day draft AoC bylaws include this language with respect to review teams generally; recommend that bylaws define somewhere what is meant by “participant” and “participation” in the context of reviews	Page 44	CCWG-Accountability/DT-N	<p>Based on the intention to make the IFR similar to the CWG process, makes sense to codify the notion of member and participants that has been practiced in the CWG/CCWG.</p>
CWG Final Proposal does not specify that CVs should be provided but consider adding to conform to CSC Expression of Interest requirements	Page 45, 58	DT-N / DT-CSC	No view here.
CWG Final Proposal does not specify who appoints point of contact.	Page 45	DT-N	<p>Why would the IFRT pick the PTI liaison? Should that not be done by the PTI or its Board?</p>
Not included in the CWG Final Proposal consider adding if this is the intention. The bracketed language conforms with the CSC provision	Pages 45, 46, 59	DT-N / DT-CSC	<p>No view here.</p> <p>Is this about the CV? I think asking for one is fine.</p>
Is there a need to express intent of Paragraph (295) from the CWG Final Proposal regarding working practices in the Bylaws or is that clear?	Page 46	DT-N / DT-CSC	<p>No view here.</p> <p>I think it makes sense to define consistent practice on the ability of participants, experts.</p>

Commented [GA19]: Question to raise with the representatives from these communities?

Commented [GA20]: Comment from Donna Austin

Commented [GA21]: Comment from Avri Doria

Commented [GA22]: Comment from Donna Austin

			<u>and liaisons to be full participants with the exception of decision making.</u>
Consider defining “consensus”; bracketed language adapted from ccNSO definition of consensus in the Bylaws.	Pages 46, 59, 60	DT-N	<p><u>Majority seems a small amount for quorum.</u></p> <p><u>I think we should define a similar notion of consensus as is being used in CWG/CCWG Consensus is absence of objection from any of the members of the group. If consensus cannot be reach then a supermajority (2/3) of the members will suffice for decision making. Minority statement to be included for those members whose objection made consensus impossible.</u></p>
Special IANA Function Review (Special IFR)			
Discuss detail/process for this ccNSO/GNSO “review”.	Page 48	DT-N	<u>Each according to the bylaws and operating procedures.</u>
Consider specifying forum, process and scope for this consultation.	Page 49	DT-N	<u>Might be worth using CCWG Community Forum mechanism for this.</u>
Paragraphs (125) and (303) of the CWG Final Proposal provide that consideration of whether to trigger a Special IFR “may” include a public comment period but is silent on who determines whether there should be a public comment period	Page 49, 51	DT-N	<u>We should just require a comment period. When would we want to avoid one?</u>
Confirm that the intention is to require approvals set forth above of ALL Special IFR recommendations, not just those recommending creation of an SCWG (see Paragraphs (106), (142) and footnote 58.)	Page 51	DT-N	<u>It seems recommendations need to be approved.</u>
We have assumed that only a Special IFR, and not a periodic IFR, can trigger a separation process.	Pages 51, 52	DT-N	<u>That was not my view. We say that an IFR can recommend anything it decides to recommend. I think this include a SCWG</u>

Commented [GA23]: Comment from Avri Doria

Separation Process			
The CCWG 2nd Draft Proposal contemplates the ability of the community to reconsider and reject the Board decision on the Special IFR. CWG to discuss.	Page 53	CCWG-Accountability / CWG-Stewardship	
Confirm this is the same entity as the Root Server System Advisory Committee, defined as "RSSAC" in the current ICANN Bylaws	Page 57	CWG-Stewardship	<u>Confirmed</u>
Confirm whether SCWG to include an open number of participants (similar to IFRTs) (CWG Final Proposal is silent).	Page 58	DT-N	<u>That was the intent</u>
Consider whether to specify that persons must be citizens of countries within different Geographic Regions or whether "from" is sufficient. The current ICANN Bylaws include both variations.] Is this required or recommended?	Page 58	CWG-Stewardship	<u>This practice is going to be an item for discussion for a while, we should reference whatever the current practice of ICANN is on this issue.</u>
Confirm who will chair the SCWG (CWG Final Proposal is silent). As with CCWG, will it be one from ccNSO and one from GNSO?	Page 59	DT-N	<u>Reasonable to use same criteria as IFR</u>
Discuss timing of creation of these guidelines/procedures	Page 60	CWG-Stewardship	