

**ICANN  
Transcription  
CWG Framework of Operating Principles  
Tuesday, 24 May 2016 at 18:00 UTC**

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The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page <http://gnso.icann.org/en/group-activities/calendar#may>

Attendees:

Cheryl Langdon-Orr  
John Berard - (Co-Chair)  
Becky Burr - (Co-Chair)  
Jim Galvin  
Alan Greenberg

Apologies:

Annebeth Lange

ICANN staff:

Mary Wong  
Steve Chan  
David Tait  
Bart Boswinkel  
Terri Agnew

Coordinator: The recordings have started.

Terri Agnew: Thank you. Good morning, good afternoon, and good evening. Welcome to the Framework of Operating Principles Cross-Community Working Group call on the 24th of May 2016.

On the call today we have John Berard, Cheryl Langdon-Orr, Becky Burr, and Jim Galvin. I have listed apologies from Annebeth Langge. From staff we have Mary Wong, Bart Boswinkel, Steve Chan, David Cake and myself, Terri Agnew.

I would like to remind all participants to please state your name before speaking for transcription purposes. Thank you very much and back over to you, John.

John Berard: Thank you very much. This is John Berard. I wanted to set the stage as quickly as possible. We have - staff has and they have then sent to each of us a review of the public comment to the initial set of recommendations. I hope that you have all had a chance to go through them at this point. Even though it's a long document, I think it probably can be boiled down to three or four points having to do with diversity and definition of consensus and decision review and the like.

From a process perspective, what we would like to do, based on this call today and review that might be necessary after it, come to Helsinki with a near as possible final set of recommendations that can be used as the subject for the working group meeting that we will have there. I'd like to ask Mary if you could confirm the dates and times of the steps that we'll need to take to, and perhaps through, Helsinki.

Mary Wong: Sure. Hi everybody. Thanks, John. This is Mary from staff. And between now and Helsinki we do have a few weeks, but the idea in preparation for the open session that this group will have in Helsinki is to have at least a draft final framework document ready by Helsinki. It does not necessarily have to be signed off on with every dotted I and crossed T by then by this group, but it should be a document that is at least, or has at least, been reviewed by this group with some comments for further changes that we can then add in to get with any community feedback in Helsinki.

So bearing that in mind, one thing that's in discussion with the co-chairs we thought could happen is, going back to what John said, that following this call today that we would ask members for any remaining comments or suggestions on the list to have them send them by e-mail to the lists. And staff would then try to produce an updated proposed final document within the next two weeks or so, so say the end of the first week of June, which would then allow to have one, possibly two if necessary, calls before everyone leaves or prepares more in depth for the Helsinki meeting.

We were thinking of one meeting before Helsinki, bearing in mind everyone's schedule, but if we can get the document to everyone by, say, the end of the first week of June, it is possible to have two meetings, or one extended meeting if that's what everyone feels is necessary again, so that we can have that updated final document at least in draft form to be distributed to the community ahead of Helsinki.

And then in Helsinki the proposed scheduled time for our session -- and I'm taking another look right now to make sure that we actually have not had a change made to the draft schedule, and I don't think there is -- it is scheduled for the third day of the four-day meeting. So that would be Wednesday the 29th of June, and it is scheduled for 90 minutes on that Wednesday afternoon from 5 to 6:30 pm Helsinki time. And of course remote participation will be available for folks who aren't themselves in Helsinki.

The last thing I'll note, John, is that not so much with scheduling but, as I think everyone knows, that this is not necessarily going to be the usual, quote, unquote, type of working group session because this is the meeting B and the idea here is to have these open sessions like the one we're scheduled for as an open community dialogue. And again, that is why it is probably important that we at least have a draft final document for discussion and then finalization following Helsinki. Thanks, John.

John, I'm not sure about everyone but I can't hear you.

Terri Agnew: John, this is Terri. When you reenter the room, you'll need to reactivate your microphone. And I see it's reactivated if you want to go ahead. Yes we can hear you now. Thank you.

John Berard: Okay great. Excuse me. Because Becky and I were both at the Global Domains Division meeting in Amsterdam last week which piggybacked on a meeting of the board, we had a breakfast meeting with Chris Disspain and George and (Teresa Swineheart), because the board, as Becky explained it to me, had some concerns about whether we should specifically address the question of funding or financing cross-community working groups.

At the meeting it became clear to me that the - that concern of the board, and it's reflected in the document you have before you, is driven by their viewing cross-community working groups through the lens of the cross-community working groups on accountability and the IANA transition, which were large casting calls that required a massive amount of work in a short period of time with really high stakes, and ultimately wound up costing ICANN a lot of money to support.

I gave them a little bit of what I believe is our history, which is that we grew out of disappointment that some of the working - cross-community working groups had failed to deliver. I was thinking specifically - made specific reference to the (JAS) Working Group, the Joint Applicant Support Working Group, and the (JIG). And then there was of course the Vertical Integration Working Group.

So it was clear that we were looking at cross-community working groups through different ends of the telescope. Having said that, there is some value, probably some sanity, in reinstate - restating in our recommendations the policies for pursuing funding from ICANN that already exists. And I believe -- and I will yield to Steve to correct me if I'm wrong, and Becky if she can jump

in -- I believe that we should do that and we can easily to that just by cutting and pasting the language that already exists.

So Steve, Becky, am I recalling that correctly? Thanks. Have I - Steve? I see that Steve's hand is up.

Steve Chan: Yes the gardener's in the backyard in the background, but I agree with your assessment. Thanks.

John Berard: Okay. And - okay cool. And I see, Jim, your hand is up.

Jim Galvin: Yes. I guess I would appreciate -- and if this is only for me I apologize -- but I'm only aware of ICANN's policy with respect to individual stakeholder advisory community groups. So if you - or maybe just provide a pointer somewhere, somebody in the chat room there, about what is the current policy with respect to funding these kinds of things? I didn't realize there's - documentation had existed explicitly about this. Thank you.

John Berard: Mary, your hand is up.

Mary Wong: Yes. Thanks, John, and thanks, Jim. I don't believe that there is a specific policy about funding for cross-community working groups. And John, Becky, and Steve will correct me if I'm wrong, but that may actually be part of the reason for the board's concern.

So one of the things that we may need to also make clear in the final document one way or another is that most, if not all, cross-community working groups do not get special or additional funding or resources in terms of staff support for external expert selection for example beyond what it would be provided to a so-called regular working group that is started, say, by one of the supporting organizations.

So in terms of particular cross-community working groups that might require special resources or a particular budget, then I think one of the things this group could consider is whether or not we want to put something specific in the final framework about that - something like that sort of thing should be scoped out, at the latest, at the drafting team phase for the charter so that any budget approvals or special budget requests that need to go to the board for example can be done ahead of the actual chartering of that particular group.

I don't know if that's what you were asking, Jim, or if that's what you were referring to, John, but that's my understanding. Thanks.

Jim Galvin: So I'll make a clarifying comment and I guess - I apologize for jumping in front of you Cheryl. I see that your hand is up too. But John, maybe I misunderstood what you said. I thought I heard you referring to the fact that there was some kind of existing policy and that we were just going to copy and paste something from elsewhere into our document. And if you could clarify, that would be helpful to me.

John Berard: Right. So, Jim, this is John. And, Cheryl, I beg your indulgence. That was my understanding. I was - and I believed what I heard from (Teresa) and from George was that there is some documentation that we can rely upon. Because if we have to get in the business of writing a process by which a group requests money from ICANN, the corporation, we may be at this for another five years, and I really don't want to do that, I mean.

So I was under the impression that there was a policy, a process, that we could cut and paste. Now I guess that's a big question that we need to get an answer to. Is there a - is there such a process or policy that we can cut and paste, or can we get away with -- well I don't know what we can get away with. I mean if we need to define a policy, well that strikes me as being something that will take up all of our time in Helsinki.

Now before we continue to pursue that though, I'd like to Cheryl jump in so that we can hear her and then maybe give Mary and Steve and Bart an opportunity to scour the website for such a paragraph. Cheryl?

Cheryl Langdon-Orr: Thank you, John.

John Berard: I'm not hearing Cheryl. Am I the only one?

Terri Agnew: No. And, Cheryl, I see your line is still connected; however, we are unable to hear you. And this is Terri. I see her phone line is still connected but I'm going to have the operator drop it and dial back out to her, so it'll be just a few moments.

Mary Wong: Hi everyone this is Mary Wong. I see that John has had to come back in the room. So, John, just checking that you are back and your mic is on.

John Berard: I'm here. Yes I'm here. And...

Mary Wong: And I seem to have lost John again, but see that he reconnected.

John Berard: Yes I'm here. I seem to be at the mercy of the vagaries of a Wi-Fi network in Orlando, Florida.

Mary Wong: John, while Terri and the secretariat are trying to get Cheryl's line working, maybe I could, for the record, draw the group's attention to the comments in AC chat by Bart and Steve. And apologies if I did not actually say this or make it clear in my original response to Jim and yourself. And what we would probably say is that it is not a special process that is just for the cross-community working groups, that what the board and (Teresa) was referring to was the community budget request that is folded into each annual budget's cycle, if that helps.

John, are you back?

Terri Agnew: John, just as a reminder - oh it looks like he's rejoining. Cheryl has rejoined us on audio. Cheryl, do you mind just saying a few words and we can just test your quality really quick? And, Cheryl, I'm confirming we are unable to hear you.

Cheryl Langdon-Orr: Well the operator can hear me perfectly well (unintelligible).

Terri Agnew: Now we hear you.

Cheryl Langdon-Orr: Great. Good. Although I don't know why the operator can hear me and the call can't, but anyway. (Unintelligible). The reference to the budget and the (unintelligible) of budget and the management budget by chairman of - chair people of cross-community working groups is therefore likely to be referencing the (unintelligible) that is going on at the moment with our Work Stream 2 work of course on one of the costing of some significant activities with accountability.

And to that, there is a problem where this is a joint board finance budget subcommittee take all leadership from the working group and so this would not be happening. Only just in early days in the chartering and pre-chartering period. But there is a (unintelligible) in having an ongoing relationship within exceptional expenditures. So one could see some basic budget receivers are expectations for the running costs of the cross-community working group. And it may be that it's that current process, which is (unintelligible) system actually, that they're making reference to as well. Thank you.

John Berard: I think I am back but I am not sure.

Mary Wong: Yes you are. We can hear you, John.

John Berard: And did I come in on Cheryl pulling our fat out of the fire by suggesting that there actually was text somewhere for us to cage?



Cheryl Langdon-Orr: John, there is enough of a document for us to reference, albeit still a work in progress, yes.

John Berard: And I see that Jim's hand is up. You want to jump in on that?

Jim Galvin: Sure, thank you. Thank you, John. Yes I think, if I understand correctly where we are, so it's not that there's anything special for cross-community working groups, it's that we do have some known opportunity funding that exists within existing stakeholder groups and advisory committees. And so the question comes up as to whether or not we could say anything special about cross-community working groups, because obviously certain very expensive things have happened in the recent past, shall we say.

I want to say that I'm inclined to say two things in our document. One thing is that with respect to funding that the default should be that when a - at some point in time, whoever comes to a cross-community working group and comes to the table, those individual groups they already have funding sources that they can use. And they should choose for themselves if they want to support an attendee in a working group and they want to allocate some of their existing funding in support of their designated representative to the cross-community working group. So, you know, people get to use funding that already exists in a way that suits them.

And the second thing would be to state explicitly that any other additional funding is an exceptional circumstance that needs to be evaluated in some appropriate way. I don't know that we need to say more about that appropriate way. But if we should speak to the financial side of this, that's what I would suggest we speak to so that we don't, John, go down the path of what you were suggesting before, I agree with you.

If we try to sit down and develop any real significant process here, we're probably going to be at this for a long time. Let's just suggest we stick to what

we have and anything else is exceptional and should be dealt that way as an exception. That's my comment. Thanks.

John Berard: Thank you, Jim. This is John. Alan, I see that your hand is up, but I really would like to find out if Becky wants to jump in on this point, because it strikes me that if we take Jim's suggestion we would be satisfying the board concern by noting that we are talking about funding for exceptional circumstances, which I think is something they would sign off on rather quickly. But, Becky, are you in a position to comment on that? I don't see her hand, so go ahead, Alan.

Alan Greenberg: You may want to let Mary go in first.

John Berard: Oh okay. Mary?

Mary Wong: Thanks, John. Thanks, Alan. Nothing really earth-shattering from the staff side, but generally we would probably agree with the approach that Jim has suggested. And John and Becky, I believe that's probably your preference as well based on some conversations we've had.

One idea for your consideration as a group is, given that we have that 90-minute session coming up in Helsinki, it may already be obvious from the document that we will circulate if we do indeed write it the way Jim has suggested, but that could be one of the subtopics that John and Becky as you facilitate and introduce that introduce that discussion you could highlight for community feedback as well.

John Berard: Okay. Alan, you want to take it from there?

Alan Greenberg: Yes thank you. I just want to differentiate between expenses of the form that for instance the recent CWG-CCWG spent on lawyers and expenses associated with face-to-face meetings. A number of us have fought very, very hard over a number of years to get a commitment from ICANN that on - with

reasonably justification working groups, and that's GNSO working groups or cross-community working groups, can have face-to-face meetings if their workload warrants.

And typically we have done that in conjunction with ICANN meetings, which now may be against the law, and we may now have to spend travel funds too to go face-to-face. But nevertheless -- excuse me -- nevertheless the concept of face-to-face meetings as an adjunct to teleconferences for working groups has been accepted, so we would not want - and they have to be handled under special circumstances but not going to the board level for it. So I think we want to segregate expenses associated with face-to-face meetings with extraordinary expenses of the form that was - of the forms that we saw in the IANA and accountability groups. Thank you.

John Berard: Thank you, Alan. This is John again. So I go back to Jim's point about the decision by an SO or AC to participate in a cross-community working group is essentially an opt in to offering its members who are participating the same level of support that they would give them if they were in a working group that was solely the domain of any one individual SO or AC. And I don't - I suspect that that's different across all of the organizations.

I think what we need to guard against for our - for the sanctity of our recommendations and the sanity of the organization is to suggest that there is an ipso facto quality of create a cross-community working group, get funding. Right? That's not what we're saying, and I don't want to say anything that would lead people to think that. But we do recognize that because the issue has drawn the attention across communities that it may in fact warrant additional support and here is how one can pursue that.

I see Jim your hand is up.

Jim Galvin: Yes thank you, John. I want to explore Alan's point a little bit further here. I kind of like the distinction that he made there, and I just want to make sure

we're, you know, covering all bases here. You know, I get the pretty strict you already funding, you can apply it to this, and otherwise it's an exceptional thing, but what's interesting is Alan brings up the point that meetings outside of the ordinary ICANN meeting - I'm sorry, let me start this differently.

The SOs and ACs have funding that they can use that support attendance at ICANN meetings. So to the extent the cross-community working group needs to meet outside of an ordinary ICANN meeting I think it's an interesting question to ask.

Would we want to treat that now as always an exceptional thing or Alan brings up a good point that it's already been, you know, "approved," if you will, that face-to-face meetings of groups that have work that warrant it are already allowed by the board. So it doesn't have to become a board-level, you know, special request.

The policy department gets to make that decision and choose to support it. I just want to ask that question explicitly. I think that was the point that Alan was trying to make and I want to make sure that we consider that thoroughly. Is it useful for us to draw that three category distinction in funding or, you know, is it better that we not really get involved in that? Thank you.

Did we lose John again?

Mary Wong: Did we lose John again?

Jim Galvin: So why don't we move along here and list - just go down the speaker list and let Cheryl jump in.

Cheryl Langdon-Orr: Okay. Hopefully you can hear me.

Jim Galvin: Yes. Please.

Cheryl Langdon-Orr: Yay! The matter of the exception that can be made a rule for example in the case of the extraordinary activities and expenditure of the accountability work, the estimate that's still made and part of the process I was alluding to earlier whereby they're already saying that is a matter of course in that particular cross-community working group for Work Stream 2, there is an expectation of a meeting to be held usually the day before or perhaps the day after that's associated with an ICANN meeting and that whilst funding support is normally (unintelligible) but if you are already traveling to the ICANN meeting only while part of the, capital M, Membership of that working group that additional day's expenses would be covered for the additional (unintelligible) a day earlier, et cetera.

Additional to that, however, is the expectation of exception that some key personnel or some chairs, the co-chairs of that group, would need to have that support, that travel support, provided and therefore predictably provided. So it's more about estimates, agreeing estimates, and budgeting in this document that I'm suggesting that we refer to than it is about hard and fast rules. But I'd also suggest that we need to remember that in the case of constituency travel funding travel support to an ICANN meeting that quite frequently is applied to councils or leadership of an AC or an SO (unintelligible) working on the cross-community working groups. Thank you.

Jim Galvin: Has John returned? So I apologize. I'll just keep moving along here. Alan's got his hand up. So, Alan, go ahead please.

Alan Greenberg: Thank you.

John Berard: I'm back.

Alan Greenberg: I guess we need a little bit of clarity here. Working groups, be they cross-community or regular working groups, are expensive beasts. They involve a significant amount of staff time, they involve at the very least significant teleconference costs, and although ICANN doesn't pay it, they involve a lot of

people, volunteer time. So they are expensive. We have never accounted for those costs. And I haven't heard, although I have heard them being included in the CWG-CCWG costs I think for effect, we're not really talking about accounting for them in the more general case. At least I've heard no indication that we are.

So we're looking at extraordinary costs over and above those that are associated with meetings that are held exclusively via teleconference. And as I said, it's been a long uphill battle to get ICANN to allocate some money for face-to-face meetings. Now they have in the past until this meeting B, where some new rules were added, they have said that we're going to save a lot of travel costs by doing them in conjunction with ICANN meetings, and we have the kind of rules that Cheryl was just talking about that we don't fund anyone for the travel, we'll only fund people who are already at the meeting anyway.

And, you know, most - many of us can live with that, at least in the more general case. And I don't want to lose the traction that we've gotten on that philosophy by introducing the issue of what if there are other expenses associated with other activities of the working group. So I just want to make sure that we segregate those.

Now if ICANN continues to do what it has done for meeting B and saying thou shalt not have any working groups adjacent to an ICANN meeting, then they're either backing - going back on the promise to fund face-to-face meetings for working groups on occasion, or they're committing to a much larger travel cost. I don't much care which. But I don't think we want to lose the principle in what we're putting forward. Thank you.

John Berard: Hi this is John. I think I'm back. I hope I can be heard. And I see Jim you've got your hand up. I will say in listening to Cheryl and to Jim and to Alan, I feel a little bit less certain of what we ought to do. Jim perhaps in your comments you can help me get some clarity.

Jim Galvin:

Yes. Thank you, John. I was - when I wanted to extend the conversation I was listening to Alan talk, and he was just adding details. And I wanted to make sure that we weren't missing something. I think in general I'm going to go back to my original position. I do believe that we should say something about expenses and finances.

I'll choose my words here a little bit carefully. I think that what we want to say is that, you know, the bulk is that SOs and ACs that are going to actively engage in a cross-community working group, since that's the context in which we're talking here, you know, they have whatever budget they have for whatever purposes they're allowed to use it for without us trying to say whether it's an exceptional expense, a travel expense, or any other kind of thing.

We simply generically say that, the default is that those groups can decide for themselves if they want to allocate, you know, some of their budget in support of this cross-community working group. But other than that, anything that - any expenses or associated with the support or operation of the working group are handled according to ordinary working group rules that any other working group would have at ICANN. And whether that's exceptional or subject to some other policy that may come into existence at some point in the future or, you know, is de facto believed to exist today, I don't think we have to clarify that.

We've been pretty good in our document so far, you know, just to sort of associate particular principles to guide future work without being too prescriptive. So to summarize, stick to the default of suggesting that SOs and ACs can use their own money in support of a cross-community work. And we'll have to find some nice words to offer that up. And then everything else is simply subject to ordinary working group policies within ICANN for how they're dealt with. That's what I - the direction I think we should go in. Thanks.

John Berard: Thank you, Jim. Alan, I see your hand is up. Are you okay with the approach Jim is suggesting?

Alan Greenberg: Not at all. As far as I know, as ALAC chair, I have no money that I can allocate towards a working group or anything else. I have budgets that were allocated to very specific things and cannot be moved around. Maybe SSAC is different, but my understanding of the GNSO and ccNSO is the same, that we have no money that we can choose to allocate to a working group.

John Berard: This is John again. Let me probe this a little bit. So ALAC members do participate in working groups?

Alan Greenberg: They do.

John Berard: (Unintelligible) working groups that are called either by the, you know, the GNSO or the ccNSO. Does ALAC organize its own SO or AC working groups?

Alan Greenberg: Certainly we do.

John Berard: And how are those funded?

Alan Greenberg: Just the same way a GNSO working group is funded. We presume staff will participate it and somebody pays for teleconferences. It's no money that we ever see, nor do we ever see the actual dollar amounts associated with it.

Cheryl Langdon-Orr: No budgets, no estimates, no knowledge of the expenditure.

John Berard: Okay this is John again. So I think that in our deliberation so far, each of us is set up exactly the same way, that the cross-community working group in which we participate is no different than a working group that we would constitute. And so however it would be handled, whether it's just the sweat equity of the participant, that that is the default nature of the cross-community



working. It is just - it's a working group that is organized specifically across a number of SOs and ACs.

The second piece though is now we are confronted with things that have been, improperly in my mind, labeled cross-community working groups that have led to extraordinary expense. And so the board comments are, "Can you include some language that would provide some clarity as to how additional resources...?"

Alan Greenberg: I think we've lost John again -- or you've lost me.

Terri Agnew: Confirmed. John has disconnected.

Alan Greenberg: Jim, you want to take the lead?

Mary Wong: And while we're trying to...

Alan Greenberg: Now we've lost Mary.

Mary Wong: No I'm here. I was just deferring to Jim because he has his hand up anyway.

Jim Galvin: Yes I was going to offer a comment but I'm actually - I'm very interested in where John was going. I'm kind of feeling like I want to hear the end of what he had. I'll only comment here, I think, Alan, that you and I are in much...

John Berard: Jim, I'm back if I can put in that third point.

Jim Galvin: Sure. Please, John.

John Berard: All right. So the third -- I'm sorry about this; it's totally my fault -- the third point is Alan, now introducing the notion of the changing circumstance - the changing organization at ICANN putting unusual pressure on its legacy commitment to face-to-face meetings and so if there will be fewer

opportunities for face-to-face meetings in the normal course of events, should cross-community working groups be able receive funds to have those face-to-face meetings.

The concern I have with that, Alan, is that every SO and AC is confronted with the same dilemma, so that it is not just the cross-community working group that now must find its way more often, it is every SO and AC. And so I don't know why we would want to characterize ourselves as special in that regard.

Alan Greenberg: It's Alan. If it's my turn up I'll answer that but I think Jim was first.

John Berard: Yes, yes go ahead. Well I think we're in a bit of colloquy here so if you could respond and then we'll go to Jim who can probably...

Alan Greenberg: All right. Just to be clear on allocation of money, I have full discretion to allocate any of my zero dollars to cross-community working groups, ALAC working groups. I can even give some of my money to GNSO working groups, all of my zero dollars. So let's be clear. There just aren't any - isn't any money that could be sub-allocated that way.

The point I was making is the battle that was perhaps won, and it came out of both an ATRT review and GNSO review and GNSO deliberations prior to the review, was that there is merit in face-to-face meetings. Sometimes you can make better headway in a face-to-face meeting than you can on a large number of teleconferences.

That has generically been accepted. It wasn't accepted specifically for GNSO meetings, although they were the example. I think a privacy proxy meeting was the first one that was held in conjunction with an ICANN meeting that they did a face - a one day face to face. The CWG-CCWG IANA and accountability have done a significant number of them because of the onerous nature and the time pressure that was on them.

The point I was making was I would - we - it is rare, it has been rare in the past with only the two recent cases where there was a huge amount of money spent associated with any working group directly associated with its work. And unfortunately because those meetings have had both large face-to-face costs and large legal costs, they have been merged into a single budget.

What I was trying to say is going forward with the future unnamed CCWG that will be formed a year and a half from now, I think it is reasonable to expect that it might need a face-to-face meeting on occasion. And that should be treated in whatever the process will be for deciding to hold a face-to-face meeting in conjunction with an ICANN meeting or separate, depending on whatever they - the modus operandi is that year. I think it is a far more onerous and larger task to say the CCWG, or CW or a regular working group for that matter, has to spend real cash on work to be done as part of its process.

John Berard: Okay.

Alan Greenberg: Working groups in the past have recommended studies which cost ICANN huge amounts of money but they weren't done as part of the working group itself, they were done as a next stage, so we avoided the problem. So all I'm saying is as we go forward, we - in our minds we should differentiate between the two because one of them is a completely reasonable expense for any hardworking working group, be it CWG or CCWG or a regular group, if we can justify it in the particular instance. And spending money on lawyers or whatever is an extraordinary thing that I think has to go through a different level of approval. And that's why I was recommending we differentiate between them in our report.

John Berard: All right. Before I turn it over to Jim -- you're next -- let me just ask for a little clarification. So in keeping in mind that we are creating a set of guideline

sand not specific recommendations, one of the guidelines is that it may be that a cross-community working group requires or would benefit from face-to-face meetings that might need to be underwritten by ICANN as a whole? Is that what you're suggesting?

Alan Greenberg: Sure. Yes.

John Berard: And that petitioning or requesting those funds should be done by way of some previously understood prescription? And I'll turn before Jim, I'll go back to Mary, and say have you guys on the staff figured out if there is a previously defined prescription?

Alan Greenberg: It's Alan. Before Mary answers...

Mary Wong: John, everyone, this is Mary...

Alan Greenberg: ...we've only done this is a few times.

Mary Wong: Go ahead, Alan.

John Berard: Well I just want to - no I'd like to hear from the staff if they've been able to find something that represents a previously defined prescription. Mary?

Mary Wong: John, everyone, this is Mary from staff. I think as we noted earlier, the only policy, so to speak, is the existing budget process, which includes a specific community budget request process. And those are where specific SOs and ACs would put in budget requests for, say, face-to-face meetings, outreach efforts, et cetera. So the existing process does not preclude several chartering organizations of a CCWG from putting in a request as part of that process. Aside from that, there is none that we are aware of at this time.

John Berard: Okay. All right, Jim, your turn.

Jim Galvin: Thank you, John. I want to say that actually I think we are all much more in agreement than maybe our last few statements might suggest. And in fact, Alan, I think you and I are, in particular, much more in agreement than might be apparent. It seems to me that the principle we're trying to adopt here is that we don't want to create new processes, but we want to explicitly call out that existing policies, you know, should be used.

And I'll make a concrete suggestion here to follow up, but I think the principle here is that whatever funding and whatever money might be available to an SO and AC are whatever policies exist for any working group at all from SOs and ACs, you know, within ICANN. The options that are available to that working group should apply to the cross-community working group and those questions should be asked and answered during the chartering process, I would think. So we'd have to make some comment to that effect.

I think that's being responsive to the board in the sense that we're making some kind of statement. We're not leaving it completely open ended. And I'm struggling with trying to find the right words to state the principle, and maybe that's the hard part here. Let me be concrete about an application of the principle.

SSAC does not have any special budget money. Like ALAC and other groups, we have a set of slots to provide travel funding to members to ICANN meetings, all right, just to be very clear about that. So what I was suggesting - what I was thinking when I was saying this policy about whatever monies a group might have it could apply them, you know, to this working group, I was imagining to myself, "Well gee, if SSAC has a member who ordinarily applies for funding to ICANN meetings, you know, maybe" - and normally what we do is we have process for each meeting that we go to to select members who get those funding slots.

I can imagine SSAC creating a new process that allows it to say, "Gee, you know, we're going to take this one slot that we have normally available and

ensure that the one person who we're going to allocate to this working group always gets money to fund, always gets funding for travel so they can come to the meeting and do what they do." That's kind of what I had in mind specifically in terms of, you know, an SO or AC allocating funding, you know, funding kind of loosely in those terms.

But I was also allowing for the possibility that maybe in the future, you know, SOs and ACs may get new opportunities for new money to do different things. They may want to support their membership participating in a cross-community working group. So I don't know if I helped or not, John. Let me try one more time to say in one sentence what I'm proposing.

I think the principle here is just that cross-community working groups are not special. They should be allowed to have applied to them whatever funding options and expense options normally exist for working groups. And I think it's appropriate for us to say that explicitly just to be responsive to the expense and finance cost of these things without developing any new policy. Thank you.

John Berard: Thank you, Jim. Alan, your hand is up.

Alan Greenberg: Thank you. Just for the record, ALAC doesn't have quite the same level of flexibility that SSAC has, and we've been fighting that battle for a while but not - we don't need to do that in this venue.

My understanding of what the GNSO has, which is the only group other than two recent CCWGs that have had face-to-face working group meetings that I'm aware of, my understanding of the process is the GNSO in their budget request has put in some money for face-to-face meetings, not necessarily specifying which working group it is going to apply to but having access to some money for within the fiscal year and then justifying why it should be used for the privacy proxy working group or whatever.

The problem with cross-community working groups is we have no institutional home like a GNSO working group and therefore there is no one who is routinely putting in money for such things ahead of time. And maybe we need that. Maybe ICANN needs to do a communal budget as it does for some other things so that if we're going to have a constant stream of CCWGs, let's presume that some of them will occasionally need a face-to-face meeting and have some base budget, you know, some budget allocation made.

Right now we don't have that because there is no one who owns those groups and normally puts in budget requests. And that's something in this brave new world we're going to have to address. Thank you.

John Berard: Thank you, Alan. This is John again. We only have a few minutes left in the hour that I had hoped we'd be able to allocate for this call. I guess I was right to start it with the finance stuff. It's pretty much of an important and hot button issue.

I guess we should take on the responsibility ourselves of drafting the language. I certainly appreciate and understand and endorse the notion that if something rises to the level of a cross-community working group that it probably rises to a level of importance that would merit consideration for being underwritten. And I think our recommendations at the very least should suggest that that is a possibility that should be considered.

I think that we should be honest with ourselves when we're talking about the resources of each of the SOs and ACs, we're essentially talking of two things. It's the sweat equity of the volunteers who are participating and the allocation of staff resources that are otherwise given to each of the SOs and ACs, and then the third bit would be the ability to apply for or ask for additional funds.

And if we can craft a paragraph or two that establishes a - some guidelines for when and how to do that, then I think we would - we will have done our job without upsetting too many apple carts. The, you know, travel funding

becomes an interesting phrase inside ICANN, and I'd like us not to have to get caught up in that, because it can overwhelm everything else that we're trying to do.

The other point that I had tried to - that I wanted to get to today, and maybe it also can be moved to an asynchronous e-mail exchange, is this notion of monitoring the implementation of the cross-community working group recommendations. There were a number of comments from a number of different sources that wondered if there should be some persistent shadow of the cross-community working group that could be called into either answer a question or participate in further consideration once the working group's report was sent back and accepted by the participating SOs and ACs.

But I - in my mind I had wanted us to keep this to an hour, but I will, you know, is there anyone who wants to - is there anybody who wants to jump on that right now? Jim, I think you've been flickering on and off. Are you on or are you off?

Jim Galvin: I'm still on. I apologize.

John Berard: No, no I meant your hand was up and down and up and down, and so I was just curious. Do you want to speak at this point?

Jim Galvin: No I'm good, thanks.

John Berard: Okay. So here's what I would suggest. I would suggest that, Mary, if you and Bart can get me and Becky on the phone in the next couple of days to figure out how we want to approach these things, if we can encourage Alan and Cheryl and Jim to offer comments on the document that the staff has compiled and sent us, I still think we're in a position to be able to make our deadline. But I don't want to be foolish in pushing something forward that is not satisfy our mandate or incorporate what we collectively view as appropriate in terms of guidelines.



So I realize I probably sound a little irrational. I apologize for that. But is everybody okay if we take that next tack, that next approach? Bueller? Bueller? Alan?

Alan Greenberg: Those are agree signs, not hand up.

John Berard: Okay great. You know, doing this on an iPhone is interesting for someone with bad eyes, I suppose. Okay so let's ring off now. And, Mary, I'll give you a call and we can talk about getting this stuff done.

Mary Wong: Thanks, John. We'll work with you and Becky and send the appropriate follow ups to the group. Thanks.

John Berard: All right.

Woman: (Unintelligible) Bye.

Alan Greenberg: Bye.

Terri Agnew: Thank you. Once again the meeting has been adjourned. Thank you very much for joining. Please remember to disconnect all remaining lines. (Kelly), the operator, if you can please stop all recordings.

END