Terri Agnew:Dear all, welcome to the GNSO Bylaws Implementation Drafting Team on Wednesday, 07 September 2016

Terri Agnew:wiki agenda page: https://community.icann.org/x/-xmsAw

Steve DelBianco [GNSO - CSG]:I have asingle PDF to display. Shall I email it to you?

Julie Hedlund:@Steve: Yes, please email it to me and I'll put it up.

Terri Agnew:will try to turn it one moment

Terri Agnew:Welcome Amr

Amr Elsadr:Hi. Apologies for being late. My laptop died two days ago, and have been struggling to set up a new one.

Marika Konings:The uniform procedure conversation came specifically up in relation to the selection process for the GNSO Liaison to the GAC, which is also an appointment that is confirmed by the GNSO Council

Edward Morris:Welome Amr

Edward Morris:No problem withdifferent thresholds within a more or less unified structure

Amr Elsadr:Another difference between the GAC-liaison role and the GNSO rep on the EC would be (I imagine) that there would be a process by which the GNSO EC rep consults with the GNSO's community. This is not strictly necessary in the GAC-liaison role.

Edward Morris:Agree with David

Amr Elsadr:@David: Could you explain what you mean by voting structure? Do you mean using the two houses or the thresholds?

Marika Konings:The Bylaws do not necessarily restrict the GNSO Council to policy development only, does it? It currently says 'The GNSO Council is responsible for managing the policy development process of the GNSO', it doesn't say 'only' responsible?

Amr Elsadr:Yes Marika, that's my understanding.

Edward Morris:Thanks Marika

Marika Konings:it would actually be changing the bylaws as the voting thresholds (that are different from simple majority) are covered in the ICANN Bylaws

Amr Elsadr:@David: Please note that there are multiple voting thresholds the Council uses for different types of motions.

Amr Elsadr:Different and multiple.

Marika Konings:voting thresholds are currently in paragraph 9 of this section: https://www.icann.org/resources/pages/governance/bylaws-en#X

steve metalitz:Under 11.3(i), the default threshold to pass a motion or other voting action is simple majority of each House.

Marika Konings:it also includes a GNSO Guidance Process

Steve DelBianco [GNSO - CSG]:Initiation of a GNSO Guidance Process (GGP): requires an affirmative vote of more than one-third (1/3) of each House or more than two-thirds (2/3) of one House.Rejection of initiation of a GGP requested by the ICANN Board: requires an affirmative vote of a GNSO Supermajority.Approval of GGP recommendations: requires an affirmative vote of a GNSO Supermajority.

Amr Elsadr:We haven't yet.

Julie Hedlund:@Steve: I didn't include Annex A.

Julie Hedlund:I'll get it up.

Julie Hedlund:I can get it.

Marika Konings:Concerning a GGP: A GGP may be initiated by the GNSO Council when a request for input relating to gTLDs (either a new issue or in relation to previous policy recommendations) has been

received from the ICANN Board or a gTLD issue has been identified by the GNSO Council that would benefit from GNSO Guidance, and it has determined that the intended outcome of the GGP is not expected to create new "Consensus Policy" recommendations including, but not limited to, any new contractual obligations for contracted parties (in which case a PDP would need to be initiated).

Julie Hedlund:@All -- In the document I circulated the thresholds listed in (i) are the same as those described in Annex A.

steve metalitz:@Amr, I question the assumption that GNSO council is the decisionmaker for all the new powers.

Edward Morris:Agree with Amr regarding threshold flexibility and preference to locate decisions within Council using the Houses.

Julie Hedlund:@Steve: This is actually a section from the Bylaws.

Julie Hedlund:The new Bylaws.

Julie Hedlund:I have unsynced the document.

Amr Elsadr:@Steve M.: I'm not saying that the Council is the decision-maker for the new powers. It's only a suggestion at this point.

Amr Elsadr:The GNSO Council also adopts recommendations from non-PDP working groups that it charters, that are not strictly-speaking, policy work.

Marika Konings:@Amr - correct, and for those the default voting threshold of simple majority applies

Amr Elsadr:Right Marika.

Marika Konings:you may also need to ask what problem are you trying to solve by not using the Council? To be able to determine what solution would address that problem.

Amr Elsadr:I don't believe it "Must" be the Council, but I believe it "should" be.

Marika Konings:as the Council is an existing mechanism that has been used to reflect the views of the GNSO through different voting mechanisms

Steve DelBianco [GNSO - CSG]:Note to staff: in your notes please do not say "voting structure".   Just say "voting threshhold"

Steve DelBianco [GNSO - CSG]:using the word "structure" has been a complete distraction

Julie Hedlund:@Steve: I've made the change but I do think that was the word David used.

Marika Konings:@Steve M. wouldn't directed voting in some form achieve the same result without having to create a new structure? Whereby Councilors formally convey the outcome of the decision of the respective SG/C on decisions relating to the empowered community?

Amr Elsadr:Agree with Ed.

steve metalitz:The notes should reflect my statement that the leadership of the constituencies and SGs should provide the basis for the alternative mechanism (if we don't use the council).

Julie Hedlund:@Steve M.: I've captured that.

Amr Elsadr:hahaha

Marika Konings:sorry, no more structure :-)

Darcy Southwell:Agree with Amr.

Amr Elsadr:@steve DB: I can see several things going wrong with that scenario.

Farzaneh Badii:But why do we have to come up with another method?

Steve DelBianco [GNSO - CSG]:@Farzi -- we don't HAVE to. But Steve's point is that we can and should empower GNSO SG's and Constituencies to express their preference directly.

Farzaneh Badii:Thanks Steve.

Amr Elsadr:@Steve M.: I wasn't aware that the purpose of the NCAs was just to fix the voting structure.

Amr Elsadr:I assumed the NomCom takes more into consideration to make these appointments.

steve metalitz:Notes should reflect that my concern about NCAs is that they are not accountable to anyone in GNSO.

Steve DelBianco [GNSO - CSG]:@AMr -- Nominating Committee may have other considerations, but their Council Liaisons are there mainly to break ties in each house

Julie Hedlund:@Steve B.: Marika has her hand up although it doesn't show up in the queue.

Edward Morris:THe NCA's in my view certainly do provide more than a tie breaking vote. In my experience they tend to take a view more of what is good for the entire GNSO than for specific SG's. I think that is a valuable contribution that I'd be inclined towant to continue with whatever system we adopt.

Steve DelBianco [GNSO - CSG]:Steve -- would you please address Marika's question after Amr speaks?

Marika Konings:Just to make clear, I am not necessarily advocating directed voting, I was just giving an example of a possible solution to a possible problem :-)

Amr Elsadr:We should keep an open mind on voting thresholds.

Darcy Southwell:It will be easier to discuss voting thresholds if we can talk about them in specific situations.

Steve DelBianco [GNSO - CSG]:@Darcy -- let's look at two situations: 1) appointments to PTI, CSC, EC   and 2) EC decision making

Amr Elsadr:Darcy: +1

Amr Elsadr:And each one of those specific situations may require unique thresholds. We just need to work this out.

Edward Morris:@Steve. I'd add Inspection / Investigation rights as a third situation as they are not part ofthe EC and have some special characteristics.

Steve DelBianco [GNSO - CSG]:Ed -- good point, and please be ready to describe how those rights would be exercised by GNSO

Amr Elsadr:I've always thought that the GNSO (Council) Chair would be a viable candidate to rep the GNSO in the EC. This representation would be qualified via a process that allows the Chair to be able to properly represent the GNSO matters.

Darcy Southwell:+1 to Amr

Farzaneh Badii:why is it not the best way?

Amr Elsadr:@Steve: The GNSO itself was developed solely to develop gTLD policy recommendations, yet it has now moved beyond that. I would find it problematic to make an assumption that the GNSO should not part of the EC because it wasn't strictly created to do this.

Amr Elsadr:Same applies to Council as far as I'm concerned.

Edward Morris:Inspection rights are WS 1 and in the Bylaws

steve metalitz:@Amr, that assumption cannot be made because the new bylaws state otherwise -- GNSO is part of EC.

Amr Elsadr:Similarly, new bylaws can be drafted to add Council functions. There's a process to do this.

Amr Elsadr:@David: Do you mean a majority of each house?

Amr Elsadr:Thanks.

Amr Elsadr:Apologies.

Darcy Southwell:Agree with David Maher - we need to keep the majority of each house

steve metalitz:@Ed, explain why that would be a problem.

Marika Konings:The DT will also need to think through scenarios of what happens if no agreement is reached or the required voting threshold is not achieved in support of a certain candidate, but I guess that is for later in the deliberations.

Amr Elsadr:Agree with Marika.

Amr Elsadr:Does the CPH have more or less power on Council than the NCPH?

Amr Elsadr:Note that retaining each house in the threshold means that both registries and registrars must both agree on all appointments, which is not the scenario under this scheme in the NCPH.

Amr Elsadr:Effectively, registries or registrars could veto an appointment.

steve metalitz:@Steve D --- your calssification of track A, B and C from the previous meeting may be useful. This is option 1 under Track B.
steve metalitz:classification
Farzaneh Badii:thanks Steve
Amr Elsadr:Thanks Steve and all. Bye.
Marika Konings:thanks all
Farzaneh Badii:bye all
Julie Hedlund:Thanks everyone -- have a nice morning/afternoon/evening!