

Adobe Chat Transcript for Wednesday 21 September 2016

Nathalie Peregrine: Dear all, Welcome to the GNSO Bylaws Implementation Drafting Team on Wednesday 21 September 2016 at 13:00 UTC.

Nathalie Peregrine: Wiki meeting page: <https://community.icann.org/x/AwW4Aw>

Nathalie Peregrine: Notes from the last meeting: <https://community.icann.org/x/dh2sAw>

Farzaneh Badii: It's the DT :)

Steve DelBianco: Tony -- do you have the draft report I sent on Sunday?

matthew shears: morning

Terri Agnew: Members/SOI: <https://community.icann.org/x/2hCsAw>

Steve DelBianco: Julie & Terri -- could u please have ready a PDF of Ed Morris' letter for display in Adobe? Will be needed later

Tony Harris: Steve, no I do not

Amr Elsadr: I'm guessing my GNSO SOI works?

Julie Hedlund: @Steve: I have Ed's ready too.

Julie Hedlund: I also sent the draft to the group with the agenda today.

Julie Hedlund: So, the DT members should all have both Ed's and Steve's drafts.

Julie Hedlund: @Steve: I will capture the notes and revise the report according to the comments received.

Julie Hedlund: @All: The document is unsynced.

Steve DelBianco: Staff: could you please display Steve's markup now?

Julie Hedlund: @Steve: In process.

Julie Hedlund: @Steve: the document is up.

matthew shears: yes, Steve - exactly

matthew shears: EC is GNSO - its clearly stated in the bylaws

Edward Morris: Agreed.

Steve DelBianco: EC includes GNSO, and GNSO includes Council.

Steve DelBianco: question: is our DT recommending that Council speak for GNSO in new powers for EC?

Marika Konings: If I recall well, there was a specific discussion on the CWG-Stewardship on whether it should be GNSO or GNSO Council and it was conciously written as GNSO Council.

Steve DelBianco: Section 11.2. ORGANIZATION The GNSO shall consist of: (a) (b) (c) (d) (e) A number of Constituencies, where applicable, organized within the Stakeholder Groups as described in Section 11.5; Four Stakeholder Groups organized within Houses as described in Section 11.5; Two Houses within the GNSO Council as described in Section 11.3(h); A GNSO Council responsible for managing the policy development process of the GNSO, as described in Section 11.3; and Except as otherwise defined in these Bylaws, the four Stakeholder Groups and the Constituencies will be responsible for defining their own charters with the approval of their members and of the Board.

Marika Konings: The Bylaws do not limit the GNSO Council to policy development only, at least not as it is currently written, does it?

steve metalitz: t@Marika, yes, the word "only" does not appear.

Amr Elsadr: No Marika, they don't. Apart from the description of the GNSO, as explained by Steve M., there are Annexes A-1 and A-2 that have nothing to do with policy development.

Amr Elsadr: The bylaws also give the GNSO the discretion to operate internally based on its own operating procedures. Not everything the GNSO does is in the bylaws.

Steve DelBianco: Amr -- you are focusing what the Council does today. We are asking whether Council SHOULD speak for GNSO in the new bylaws.

matthew shears: Agree Ed - I am a little at a loss to understand what other mechanism would be as suited as the council given the limited time we have to complete this work, and if there were to other

options surely they would have to be discussed more fully by the GNSO and would take significantly more time than we have

Steve DelBianco:again, our question is: Should Council speak for GNSO on matters where the new bylaws refer to EC and AC/SOs.

matthew shears:I would also vote yes

Amr Elsadr:Yes.

Farzaneh Badii:I vote yes too

Darcy Southwell:I vote yes too

Amr Elsadr:It's a little too late for that Tony. ;-)

Edward Morris:Agree with Amr

Darcy Southwell:Agree with Amr on this.

Farzaneh Badii:what is the alternative to the council? I have not heard any suggestions.

Darcy Southwell:We have not had nearly enough time to thoroughly discuss some of these issues.

Farzaneh Badii:agreed Darcy

matthew shears:+ 1 - plenty of options to review again in the future but for now we should be focussed on enabling the GNSO to engage in its new role as a Decisonal Participant

David Maher:il can only see pages 1 and 2

Steve DelBianco:Staff -- can you please resend the PDF to David Maher

Amr Elsadr:@Matt: Yes, agree. We need to agree on recommendations to use now, but the issues that have been pointed out certainly warrant further consideration. It would be irresponsible to ignore them, I think.

Julie Hedlund:@Steve: Will do.

Julie Hedlund:@David: Just sent to you.

Farzaneh Badii:but how can we answer "how" when some object to council

Steve DelBianco:@Farzi -- our assignmen tis to recommend "who" and "how". We will note a significant minority disagree that "who" shuld be council. But we need to now look at "how"

steve metalitz:@Staff, my recommendation is that the report flesh out the issues and recommend they be discussed and decided by stakeholder groups and constituencies within the GNSO. Please reflect this in notes.

Julie Hedlund:@Steve: Captured!

Marika Konings:would it be worth circulating the process from the GNSO WG Guidelines on how to designate consensus?

Julie Hedlund:@Steve D.: I have picked up the language provided by Steve M.

Amr Elsadr:@Marika: Sure. That'd be helpful.

Marika Konings:it usually does not include voting :-)

Amr Elsadr:@SDB: Agree.

Edward Morris:There is NO prohibition for the GNSO Council, constututional or otherwise, for doing what it has done.

Amr Elsadr:@Steve: Again..., I'm not so sure that's right (outside of its constitutional responsibilities).

Edward Morris:WHO has the powers, Steve?

Amr Elsadr:@Steve: I agree on that it is unnecessary to include the GGP bit in the report.

Julie Hedlund:@DT members: I have sent the WG Guidelines to the list and note section 3.6 on Standard Methodologies for Making Decisions. I can also bring up the document in the Adobe Connect room.

Julie Hedlund:@All: The table on voting does not show up in the PDF. I can bring it up separately.

Darcy Southwell:Yes

Amr Elsadr:Yes. It was a word doc.

Edward Morris:Thanks Steve

Steve DelBianco:staff: could you please bring up the voting table?

Julie Hedlund:@Steve: Done.

steve metalitz:@Ed, just because someone cannot vote on a particular matter does not mean they have to "leave the room."

Amr Elsadr:Are we done with the discussion on the NCAs?

Amr Elsadr:Agreed. Thanks.

Marika Konings:Looking back at the resolution forming this DT, please note that the DT is instructed to come back with consensus recommendations: "The Drafting Team shall provide the GNSO Council with an implementation plan, which will have the consensus of the Drafting Team, including any recommendations for needed further changes to ICANN Bylaws and/or GNSO Operating Procedures to enable effective GNSO participation in ICANN activities under the revised ICANN Bylaws, not later than 30 September 2016."

Edward Morris:Good question Steve

Amr Elsadr:I'm guessing we can decide what our definition of consensus is. We are not a chartered group.

Steve DelBianco:You're next, Marika

Farzaneh Badii:could you please remind me why CPH votes are weighted 2?

Edward Morris:Because they have half as many Council reps as the NCPH

Marika Konings:@Farzaneh - to create a balance between CPH and NCPH without necessarily needing the same # of Council members

steve metalitz:+1 Steve D that this has nothing todo with individuals

Farzaneh Badii:Thanks Marika

Amr Elsadr:OK. Thanks Marika.

Marika Konings:yes, you are correct - there is no exact science to determining consensus

matthew shears:These are interesting options but premature so I would have to vote no

Farzaneh Badii:no

Amr Elsadr:My view: Higher than simple majority threshold for nominations and decisions on EC petitions, and less than majority of each house for initiating inspection requests.

Amr Elsadr:Agree with Ed. Inspection requests should be as easy as requesting issue reports or initiating PDPs.

Edward Morris:Thanks Steve

Edward Morris:Good point. Thanks Steve M.

Amr Elsadr:I believe that Council should make appointments (generally) via some sort of consensus, not a simple majority.

Edward Morris:@Amr. Would the 60% level we use for Chair/VC selection be high enough of a threshold in your view?

Amr Elsadr:It'd certainly be better, Ed.

steve metalitz:Could someone remind us whether the 60% is 60% of each House for Chair?

Marika Konings:if you look at consensus policy, supermajority meets the definition of consensus under the contracts that ICANN has with its contracted parties.

Marika Konings:@STeve: The GNSO Chair shall be elected by a 60 percent vote of each house

matthew shears:thanks Steve

Farzaneh Badii:thanks everyone

Terri Agnew:Next call currently scheudled for Wednesday, 28 September at 13:00 UTC

Darcy Southwell:Yes, I have a conflict - can't make it Sept. 28.

matthew shears:no

Darcy Southwell:Yes

matthew shears:probably

Edward Morris:transparency

steve metalitz:No to Sept. 29

Edward Morris:wg

Farzaneh Badii:that's a thursday?

Edward Morris:yes

Terri Agnew:@Farzaneh, yes 29 Sept is a Thursday

Farzaneh Badii:I gotta check my calendar. thanks Terri

Amr Elsadr:Thanks all. Bye.