

Yesim Nazlar: Welcome to the GNSO Bylaws Implementation Drafting Team  
Call held on Monday, 10 October 2016 at 14:00 UTC

Yesim Nazlar: Wiki Agenda Page: <https://community.icann.org/x/0hq4Aw>

Terri Agnew: Wolf -Ulrich joined on telephone

Terri Agnew: and now on Adobe Connect

Terri Agnew: Welcome Matthew Shears

Wolf-Ulrich Knoben: Hi all

Edward Morris: Hi Wolf-Ulrich

Marika Konings: but the provision does include "pursuant to each such organizations' procedures" - simple majority is defined as simple majority of each house, no?

matthew shears: do we have to make a recommendaiton? I think we could note the "discrepancy" in the bylaws in the report

matthew shears: agree Steve

Marika Konings: and I think that is how it was interpreted for the last vote on the CSC membership (simple majority of each house)

Julie Hedlund: @Steve: Staff didn't add anything -- just excerpted the language from the Bylaws to show how the language is consistent in the two sections.

Marika Konings: I just checked the Bylaws and Operating Procedures and there is no other definition of simple majority than simple majority of each house, so factoring in 'pursuant to each organizations procedures' doesn't that provide sufficient guidance that it relates to simple majority of each house, which as such would not require any further clarification of the Bylaws?

Edward Morris: I'm fine with that Steve D.

Amr Elsadr: @Marika: Good point. Agree.

matthew shears: agree

steve metalitz: The Operating Procedures do not repeal laws of mathematics under which a majority of GNSO Council does not equal a majority of council members.

Amr Elsadr: Agree Steve.

Marika Konings: My point is that it would be currently interpreted as defined as simple majority of each house as that is the only definition in existence

Marika Konings: if it would need to mean different than that, it would need to be defined. Apologies if I wasn't clear.

Marika Konings: for the last vote on CSC, I do believe it was interpreted as simple majority of each house, but if that was in error, it would be important to point that out.

Amr Elsadr: @Steve: I understand what you're saying. Easier for the GNSO to clarify this in the OP rather than ask for the bylaws to be changed. I'm fine calling it the chicken's way out, but it is more practical and allows for flexibility. It shouldn't be confusing either.

Steve DelBianco: not an error, Marika. The Council used it's Default Rule to pass a resolution unrelated to policy.

Edward Morris: Agreed

Amr Elsadr: No objection.

Darcy Southwell: Agreed.

Edward Morris: Yes

Amr Elsadr: SM is a good threshold for these two decisions, I believe.

matthew shears: OK

Amr Elsadr: Whoops. SM = Super Majority. :)

steve metalitz: agree with supermajority on 25.2

matthew shears: agree also

Amr Elsadr: Also agree with super M. on 26a.

matthew shears: on 26a

Farzaneh Badii: agree with super maj on 26a

Amr Elsadr: I beleive that full consensus in the OP = the absence of any objecting or dissenting opinion.

Amr Elsadr: But need to check.

Marika Konings: From the GNSO OP: Full consensus - when no one in the group speaks against the recommendation in its last readings. This is also sometimes referred to as Unanimous Consensus

steve metalitz: Just to complete the record re "simple majority," note the following from comments filed by COA on 9/12/15 on CCWG Accountability 2d Draft Proposal: And even assuming that the GNSO Council is the appropriate body to vote on, e.g., petitioning to remove a director appointed by the Nominating Committee (p. 59), a function that seems far removed from "management of the policy development process," each House always votes separately and votes are tallied separately; so it will need to be specified whether a "simple majority" of the Council means a "simple majority" of each of the two Houses.

steve metalitz: My point is that this issue was raised to CCWG Accountability. We cannot assume that their use of "simple majority" was a mistake.

Darcy Southwell: Agree on 1.3(a).

Amr Elsadr: @Darcy: +1

matthew shears: agree also

Darcy Southwell: Agree.

Amr Elsadr: Simple majority again.

Amr Elsadr: I mean for 2.3(h).

Darcy Southwell: I think 2.3(h) should be majority of each house.

Amr Elsadr: Shouldn't the decision to reject and resolve the issue be the same?

Wolf-Ulrich Knoben: I'd stay with majority

Amr Elsadr: Agree with Ed, WUK and Darcy.

matthew shears: + 1

Amr Elsadr: @Steve: Right. :)

Farzaneh Badii: majority of each house on 2.3(h) is fine .

Amr Elsadr: I prefer a simple majority, not super.

Amr Elsadr: For spilling the Board.

Edward Morris: correct

Amr Elsadr: Correct Steve.

matthew shears: I good with that asl well

Marika Konings: he GNSO shall nominate by written ballot or by action at a meeting individuals to fill Seats 13 and 14 on the Board. Each of the two voting Houses of the GNSO, as described in Section 11.3(h), shall make a nomination to fill one of two Board seats, as outlined below; any such nomination must have affirmative votes comprising sixty percent (60%) of all the respective voting House members:

Wolf-Ulrich Knoben: So e.g. an ASO rep could not request a removal of a GNSO board member?

Amr Elsadr: Yes. We're talking about directors who rep Houses within the GNSO.

steve metalitz: The last sentence of 3.2 states: the Applicable Decisional Participant shall inform the EC Administration as to whether the Decisional Participant has support for the SO/AC Director Removal Petition of a three-quarters majority as determined pursuant to the internal procedures of the Applicable Decisional Participant.

steve metalitz: How do we define "three-quarters majority"?

Amr Elsadr: @SteveDB: I don't recollect a 3/4s threshold for anything either.

Amr Elsadr: An easy way to set this up would be a new threshold of 3/4s of each House would be required to vote in favor of removing the director.

Amr Elsadr: This threshold does not exist, but as we noted in the first couple of weeks of this DT, we can always recommend new thresholds that do not currently exist.

Amr Elsadr: Doesn't 3/4 of the House not meet the bylaw threshold?

Edward Morris: I don't like it but we have the bylaws limitation

Amr Elsadr: Ah. Interesting point Steve.

Darcy Southwell: Ed +1

steve metalitz: 3/4 of council but recognize this could lead to bad results.

Amr Elsadr: I would like to add my agreement to 3/4s of the House.

Amr Elsadr: Please add me along with Darcy and Ed to "Single House".

matthew shears: please add me also to majority of single house with Amr Ed and Darcy

Farzaneh Badii: I agree to 3/4 of the single house too. Please note this in the notes. thanks

matthew shears: 3/4 I meant as Farzi

matthew shears: please add in notes

Wolf-Ulrich Knohen: I've doubts whether a single house vote could be sufficient since board members are representing the community, not a house.

matthew shears: fair point

Farzaneh Badii: I will be happy if you put the recommendations on the first or second page Steve and then go into details of how we came up with the recommendations.

Darcy Southwell: Agree that putting the recommendations up front and place the explanations in the following pages

steve metalitz: +1 Darcy, which supports Steve D's proposal

Edward Morris: Thanks Steve

Amr Elsadr: David is not on the call to indicate his position as well. It may be helpful to take the consensus of this on-list.

Edward Morris: +1 Amr

Edward Morris: Yes

Farzaneh Badii: yeah

Steve DelBianco: staff -- would you please load the 11.3 section I drafted?

Amr Elsadr: Thanks.

Amr Elsadr: It's actually shorter than most WG reports.

Edward Morris: Agreed.

Julie Hedlund: unsynced

matthew shears: I have some sympathy with Wolf-Ulrich's view that board members represent the community and that should be taken into account

Edward Morris: Thanks to staff. Good approach Steve, thank you.

steve metalitz: Thank you Steve!

Edward Morris: Thanks Steve

Wolf-Ulrich Knoblen: Thanks very much Steve!

matthew shears: thanks all

Amr Elsadr: Thanks Steve and all. Great work on this in a short timeframe.

Farzaneh Badii: Thanks Steve for all your work

Farzaneh Badii: bye

Julie Hedlund: Thanks everyone!

Amr Elsadr: Bye.