

Michelle DeSmyter:Welcome to the GNSO Bylaws Implementation Drafting Team Call held on Thursday, 06 April 2017 at 14:00 UTC

Michelle DeSmyter:Meeting Wiki page:

https://urldefense.proofpoint.com/v2/url?u=https-3A_community.icann.org_x_dcXRAW&d=DwICaQ&c=FmY1u3PJp6wrcrw113mSVzgfkbPSS6sJms7xcl4I5cM&r=8_WhWIPqsLT6TmF1Zmyci866vcPSF04VShFqESGe_5iHWGlBLwwehFBfjrsjWv9&m=sgDef-sldwquaWh7KIdd9FPf7saZ023AVkkZ4AhZjPY&s=59mtn7CtV9bB0os7UAtEPLZAa pD063ddTYGXA9Wj3Mg&e=

Steve DelBianco [BC]:Marika distributed the above document (and one other). Does anyone need us to re-send those docs now?

Amr Elsadr:I am, but waiting for a dial out. Thanks Steve.

Marika Konings:Wolf-Ulrich, note I made the change to item 1 as requested but have not circulated this version yet

Marika Konings:ICANN Legal :-)

Wolf-Ulrich Knoblen:Thanks Marika

Lori Schulman:Hi. sorry I am late.

Darcy Southwell:Hello. Sorry to be late!

Mary Wong:The GNSO can perhaps develop its own rules for who and how to raise a petition, and check in with the other Decisional Participants and ICANN Legal as to consistency across the EC.

Marika Konings:so should it be a requirement then for SG/Cs to define the procedures for their respective members to request a petition?

Amr Elsadr:Is there a mechanism for individuals outside of ICANN's SOs/ACs to contact GNSO SGs/Cs with requests like this?

Mary Wong:@Steve is correct - there is a 21 day period for the petition to be filed

Marika Konings:so maybe it is just a question of communication to the membership of the different groups so that they are aware that a request for petition will follow normal SG/C procedures?

Mary Wong:There is basically a total 28 day period to get this done - 21 for the petition to be submitted to and considered by the relevant Decisional Participant, and then 7 to get the support of another Decisional Participant.

Amr Elsadr:If I'm not mistaken, Council can vote on motions outside of regular meetings, but those are still subject to the ten-day rule on submission of a motion prior to voting on it. Something to consider within the 21-day limitation for submission of petitions?

Samantha Eisner:On the question of the need to document procedures, I refer to the Bylaws at 6.1(g): (g) Each Decisional Participant shall, except as otherwise provided in Annex D, adopt procedures for exercising the rights of such Decisional Participant pursuant to the procedures set forth in Annex D,

including (i) who can submit a petition to such Decisional Participant, (ii) the process for an individual to submit a petition to such Decisional Participant, including whether a petition must be accompanied by a rationale, (iii) how the Decisional Participant determines whether to accept or reject a petition, (iv) how the Decisional Participant determines whether an issue subject to a petition has been resolved, (v) how the Decisional Participant determines whether to support or object to actions supported by another Decisional Participant, and (vi) the process for the Decisional Participant to notify its constituents of relevant matters.

Samantha Eisner:If the procedure for the GNSO as a Decisional Participant to take in a petition is to expect that to come up from the established SGs and Cs, then there is likely a requirement for documentation of how an individual would initiate that petition conversation, at whatever level of the GNSO structure that responsibility is delegated to

steve metalitz:@Marika, wouldn't those "scheduled petition meetings" have to be set almost weekly throughout the year since one cannot predict just when a decision subject to petition would be made? Does not sound practical.

Darcy Southwell:Agree with Steve M. that regularly scheduled petition meetings are not practical given the very short time frame.

Steve DelBianco [BC]:@Steve -- agree with you that the pre-scheduled Council meetings are not a practical solution.

Marika Konings:@Steve - M. good point - we need to have a closer look at the timing aspect to see how this could work.

steve metalitz:+1 Sam that each SG/C should document its own procedures.

Mary Wong>Note that the time frame for the petition may be short (21+7) but the community will have known long before that when a Board action (e.g. Budget approval) is expected and will take place, so planning can be done way before the petition period starts.

Mary Wong:@Steve DB, yes, got it - we will get back to the DT with that specific answer shortly.

Samantha Eisner:Recall when you're considering the petition phase and expedited procedures, there is also a 7 day window at the end of the 21 day petitioning period for each decisional participant to consider if it will second a petition. So there could be a need for 2 meetings

Samantha Eisner:To clarify my position, it is important that each SG/C have documented procedures on how the petition is raised to them for bringing the motion to Council

Marika Konings:Yes, thank you

Darcy Southwell:It looks like the 21-day clock starts running when the D.C. receives a removal petition.

Mary Wong:@Darcy, yes

Samantha Eisner:The timing starts from when the petition is received

Samantha Eisner:it is not based on when the Council decides

Samantha Eisner:agree with S. Metalitz's reading

Mary Wong:Ditto

Samantha Eisner:It will be important to use standardized language for petitions - though petitions will be brought before the GNSO by way of motion, the rest of the Empowered Community would expect to see it discussed as a PETITION, so there was no confusion about the status of the EC process. This is a semantics issue, not a process issue

Marika Konings:Yes, likely title would be: 'Motion - Petition to.....'

Darcy Southwell:No objections.

Lori Schulman:no. we if no h

Lori Schulman:houses should not be able to interfere

Marika Konings:on a side note, is there a timeline for the NCPH board seat selection procedures? As there are a number of other items that need updating in the GNSO Operating Procedures as a result of other recommendations (not related to the post-transition Bylaws) we are considering bundling these into one public comment period so not to overwhelm the community with a number of separate public comment periods on the operating procedures. T

Steve DelBianco [BC]:@Marika -- understand that is important, but please don't bring that into today's conversation!

Marika Konings:Noted Steve - as we get closer on revising the operating procedures and public comment, staff will check in with you all :-)

steve metalitz:@Farzi do you have a proposal for how the other house would be involved?

Wolf-Ulrich Knoblen:To cover the point that a board member is accountable to the entire (SO) community, the other house could be invited to file an opinion on the case but shouldn't be given a decisive role

steve metalitz:+1 Wolf Ulrich -- would not object to requiring 3/4 majority "after providing opportunity for input from the other house"

steve metalitz:3/4 majority of the house that selected the director, that is

Lori Schulman:yes. wolf and steves coo

Lori Schulman:yes wolf-rich and steves comments seem a good compromise

steve metalitz:@Sam correct that the motion in this case would have to be rather elaborate, include the rationale, proposed Decisional Party rep, etc.

Lori Schulman:isn't the individual the rep for the group? that's how I took it.

Lori Schulman:the indemnified individual?

Wolf-Ulrich Knoben:@Lori: you may need an insurance :-)

Samantha Eisner:We'd have to check against the Bylaws, which vests the discussion requirement in the Decisional Participant

steve metalitz:Sorry, have to drop off shortly. Agree that this (#46) could pretty much follow #44.

Farzaneh Badii:sorry I got kicked out

Darcy Southwell:Hi, all ... I have to drop in a minute too. Agree that this should follow #44. Because this is the entire Board, the supermajority is across the GNSO Council, not at the house level.

Wolf-Ulrich Knoben:So the maker of a motion re petition shall be a SG/C, not a councillor

Wolf-Ulrich Knoben:and the seconder?

Mary Wong:Wolf-Ulrich, only Councilors can propose and second motions

Marika Konings:only a Council member can propose a motion

Marika Konings:so that is for SG/Cs to define in their procedures that their respective Council members are directed in those instances?

Wolf-Ulrich Knoben:it could be covered under "whereas"

Samantha Eisner:Have to sign off

Farzaneh Badii:so it has to be through NCSG. thanks

Marika Konings:thanks all!

Farzaneh Badii:thanks

Lori Schulman:this was very good call. thanks.

Steve DelBianco [BC]:Thanks everyone