

From: ccns0-council-bounces@icann.org
To: [ccNSO Council](#)
Subject: [ccns0-council] Board adoption of Fundamental Bylaw Change -- what this means for us going forward
Date: Tuesday, May 23, 2017 3:28:46 AM
Attachments: [ATT00001.txt](#)

Greetings fellow Council members,

I have received confirmation that the ICANN Board, at their 18 May 2017 meeting, did indeed adopt the proposed revisions to Article 4, Section 4.2 of the ICANN Bylaws that came into effect on 1 October 2016.

To summarize the Board's action, the revision moves the Board Governance Committee's Reconsideration Process Responsibilities to another Board Committee. The adopted revisions to Article 4, Section 4.2 may be found at <https://www.icann.org/en/system/files/files/proposed-amend-bylaws-article4-section-4-2-31mar17-en.pdf>[\[icann.org\]](#).

Since this Bylaw revision applies to what is defined under the Bylaws as a "Fundamental Bylaw", this action on the part of the Board will trigger the first ever Empowered Community action, known as an Approval Action. An Approval Action requires the assent of at least 3 Decisional Participants for the action undertaken by the ICANN Board to come into effect.

By way of background, the current Bylaws are accessible at <https://www.icann.org/resources/pages/governance/bylaws-en>[\[icann.org\]](#). The mechanics of what will transpire as a result of this Board action are documented in Annex D, Article 1 of the ICANN Bylaws (see <https://www.icann.org/resources/pages/bylaws-2016-09-30-en#annexD>[\[icann.org\]](#)).

I encourage all Council members to familiarize themselves with the proposed Bylaw change (reference given above), as well as both the ICANN Staff Summary of the public comments, and the public comments themselves. The former may be found at <https://www.icann.org/en/system/files/files/report-comments-bylaws-bgc-17may17-en.pdf>[\[icann.org\]](#), whilst the latter may be found at <http://mm.icann.org/pipermail/comments-bylaws-bgc-31mar17/>.

The mechanics of the Empowered Community Approval process moving forward are as follows:

First, the ICANN Board Secretary has to notify the Empowered Community Administration (ECA), as well as the Empowered Community Decisional Participants (the ALAC, the ASO, the ccNSO, the GAC, and the GNSO) of the action taken by the Board. This is known as an Approval Action Board Notice. I expect this to happen no later than the close of business today, US Pacific Daylight Time (UTC -7).

Upon receipt of the Approval Action Board Notice, the Empowered Community Administration will in turn notify ICANN that the Empowered Community requests that a Public Forum, known as the Approval Action Community Forum, be scheduled at the next Public ICANN meeting (by way of background, in anticipation of the Board's adoption of this Bylaw change, the ECA has been in discussions with ICANN Staff about scheduling such a Forum at the ICANN 59 Meeting in

Johannesburg. It is on the meeting agenda, and will take place between 08.00h - 09.00h local time on Tuesday, 27 June).

I strongly encourage all Council members to attend the Approval Action Community Forum in Johannesburg, and to actively consult with ccTLD/ccNSO Community members during the course of the ICANN Public meeting about the Board's proposal.

(Also, please note that the Guidelines Review Committee has circulated a proposed Guideline for how the Council should manage its Community consultation and decision making process to the Council for its review, and I urge members to undertake a comprehensive review of the proposed guideline, as we are going to need this in place in order for the Council to act on the Approval Action Board Notice.)

At the conclusion of the ICANN Public meeting (29 June 2017), a 21 day period, known as the Approval Action Decision Period, will commence. During this period it will be the Council's responsibility to make a decision as to whether or not the Council, and by extension, the ccNSO as a Decisional Participant, agrees with the Board's proposed Bylaw change, opposes the proposed Bylaw change, or cannot reach a decision regarding the proposed Bylaw change. By my calculation, the Council will have until 23.59h Pacific Daylight Time (UTC -7) on 20 July 2017 to render a decision and notify the Empowered Community Administration of their decision.

In turn, the Empowered Community Administration will, upon receipt of the decisions of all the Decisional Participants, tally the decisions and forward their tally to the ICANN Corporate Secretary.

As noted above, at least 3 Decisional Participants must Approve the proposed Bylaw change for it to come into effect.

As the ccNSO representative to the Empowered Community Administration, I will be co-managing the Approval Action Community Forum Tuesday morning. Chris Disspain, who has championed this proposed Bylaw change, will be available at the Forum to make his case for why the Empowered Community should agree to this Bylaw change, and to answer any questions from the Empowered Community.

If you have any questions regarding the Bylaw change, I propose that you submit them to Chris. If you have any questions about the mechanics of the how the Approval Action Community Forum will operate, or how the Empowered Community Administration will go about its (Administrative) business of managing the Empowered Community's activities with regards to the Approval Action Board Notice, I will be happy to address them. I can also address questions regarding the proposed Approval Action Guideline, but I propose that these first go to Katrina, the chair of the GRC-WG.

Best Regards,
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