

AVRI: Does that fix it? Pam I see, I think that works. If so we'll leave that fixed. Yeah, I think it was just kind of -- it was an edit that didn't add content and just sort of moved things around in a strange way. And hopefully I'm not insulting any of you as the anonymous maker of that change. Okay. Moving down we get basically at the bottom of page 5, there was basically a change starting at the bottom of page 5. And in some situations issues may be complex -- this is the 4 person panel. In some situations issues may be complex and require cooperation among several of the ICANN accountability mechanisms. An example might be a complaint about fairness filed by one or more parts of the empowered community. Another example might involve situations among the board community and/or organization that repeat regularly and are not susceptible to redress by anyone of the accountability mechanisms. Those two lines were added because there had been the need to -- indicated the need to give up a little bit of more of an explanation in the recommendation of what sort of issues. Then ICANN should investigate the creation of an informal 4 member panel composed of the Ombudsman, complaints office and a board member. The panel could review concerns or issues raised by community Ombudsman staff or board that at least two panel members determine require furthest. While this panel should work transparency it will at its discretion issue that are confidential. This has no powers beyond their members and their ability to cooperate. So that was an attempt to sort of recast that in a less formalistic, less standing panel but more a mechanism by which cooperation could happen. Does that seem to others to respond to the issues? Now, one comment that did come up from Klaus and he pasted it in or I pasted it into the document so we wouldn't forget it but he said he was thinking about the 4 member panel and came to the conclusion that what we're looking for is more of an ethics committee than a panel as scripted until now. And ICANN ethics committee would be helpful in other areas like the Ombudsman and could serve as a light weight solution that can be used to solve problems very early on. Now this would definitely be a large change from where we are and we haven't thought that out. But, I didn't -- I wanted to make sure that it had been discussed and so I want to check and make sure whether anyone basically wants to support this kind of change. Oh, and welcome Jordan. Glad you're here. And if anybody wants to comment on that. Yes, Alan.

>>ALAN: The implications of starting to use the term ethics committee scares the something out of me and I really don't want to do that at this late date.

>>AVRI: Okay. Thank you. Any other comment? Okay. Then I think we can sort of say that we're not -- that there is no consensus to basically bring this kind of change in at this point. Any objection to that?

>>ALAN: Avri it's Alan. I think we should make it clear that the change may well make sense but to do it at this late date on a second reading I still don't feel comfortable without thinking it through a lot more carefully. Thank you.

>>AVRI: Okay. Thanks. Anyone else? Clo agrees with Alan. I see Jordan's only sort of here. Okay. Thank you for sort of being here. Okay. In which case going back to the wording change that was made does anybody have any comments on that or is that something that we can accept? I see no hands. Is there any objection from anyone? Okay. Thank you. There's also no support for an ethics style committee in the ombuds group. So that's two places the idea didn't make it. So is there any objection to my accepting these changes as the draft of record at the moment? Seeing none... I have accepted them. Okay. Seeing nothing, we still have the standing recommendation from Patrick that hasn't been resolved. This recommendation as well as 7 might work formal, further scrutiny to clearly establish the known existing issues related to staff accountability or determine if these issues may determine a bit more specificity. So

in this one I did add explanations though they weren't so much staff accountability. But -- and I don't know if that makes a difference. Okay. I understand that we've lost Cheryl. Has lost all power and is on her mobile. Thank you. And good luck. Okay. The next change that was made -- so perhaps we need to talk about Patrick's a bit more but let's look at 7. Seven was -- so that was also -- okay. We still had the recommendation of dividing 7A and 7B. I haven't done so simply because they seem to be related and two halves of a similar issue. And such. But that's a recommendation that's pending and then there was basically in terms of the second comment, this might be addressed by the suggested language included above recording time frames for response to community requests. If there are other elements that this recommendation tends to address can we specify where else clear expectations should be established? Like to open it up for comment on that. And suggested changes. Is there appetite for basically rewriting this to put it in the time frames language? And where is that language? ICANN organization should standardize and publish guidelines for appropriate time frames for acknowledging requests made by the community and for responding with a resolution or updated time frame when a full response can be delivered. So now that that's in there, does that in any way mitigate the need for either A or B? Now this is also a definition of services or service level guidelines and not just a response acknowledgement and response mechanism. So personally I think that they are different in that respect. Because one is defining the service expectations which would be more than time frames and the other one is talking about timely response. So to me they look different. Okay. Pam has asked may I propose a take item A to the contracted parties to seek their input or comment? Certainly. I mean it was hoped that we were doing this all along but we still do have time. And let me go back to things I think I said before you or Jordan joined or though perhaps you were here is that with so few of us here I wanted to talk through the language. But I didn't feel that I could consider it a second reading without taking it for further lack of objection. So, if basically you're saying that you're not ready to accept this without further consultation and indeed this did change several weeks ago at a meeting that you were not able to attend that went to several level guidelines. It's been like that for several weeks. Two weeks it was changed in discussion at the last meeting. So our next call is in 2 weeks. Jordan recommends closing the report out as soon as possible whatever happens. I would rather we got comments back in plenary then delaying getting this out to plenary. So, anyone else wish to comment? And Jordan perhaps I can consult with you. Yes, I'll consult with Jordan then I'll get back to you Alan in terms of even having enough people here at the moment to say that the second reading has been, you know, reached consensus. And of course I can't say it's reached consensus because I have at least one element that wants further discussion and checking. But, give me guidelines if you have any. Okay I'll come back to you. Alan, please.

>> ALAN: Thank you. This is not content related but if anyone has stamina they should go through this document and make sure we're using uniform type fonts and stuff like that. We have single paragraphs with multiple type sizes and fonts in it which gen eding how you print it it looks ugly. It's clearly not substance related but would be nice to be clean. They have different line spacings which I didn't know it was possible on Google docs.

>>AVRI: Oh, yeah you can do all kinds of funny stuff.

[Laughing].

>> AVRI: Okay. So basically Jordan is saying there's no uniform 100 percent consensus requirements for the group as I know it. So I'm really looking for -- I mean there's a strong part of me that wants us to be done. There's also a part of me that sort of says, you know, with just -- I mean basically including chairs

we have 1, 2, 3, 4, 5, 6. Not including chairs we have 4. So, I reached the 5X5 rule a little and as I said we have Pam's issue but I see Pam up with her hand up. Pam, please. I can't hear you. I see your microphone making noise. Am I the only one who can't hear you?

[silence]

AVRI: Okay none of us seem to be able to hear you so you'll type. Which case I'll go back to Jordan who said there's no uniform 100 percent consensus requirement for the subgroup as far as in. No there's not. Then the way I essentially treat agreements to proceed or not is -- this is not the last chance because remember we're trying to get to a public comment. That's certainly true. But we've also been thrown out of the plenary before and time schedules being what they are, I would like us to go in fairly sure of ourselves so that we don't have the subgroup basically and participants in the subgroup saying that, you know, that it was rushed or that comments -- not saying anybody would say that but I do want to give things a proper chance. Okay. I don't think A is meaningful. There are no consequences for not meeting targets. So it's simply aspirational. So basically you're arguing for return to agreements. But we did get an incredible amount of push back on agreements because of the contractual nature and the idea of establishing what is tantamount to a contract. So that did get it incredible amount of push back. And we have Jordan, my fear about A is it's too meaningful, that the org will find the notion of SLA for all services for contracted parties to be far too aggressive and too hard. And Cheryl's saying indeed we did Avri. Jordan says but I'm prepared to leave it and to go to the plenary/public comment to see what the community views are. Pam you had your hand up, but you couldn't talk. Okay. What I would like to suggest and I think that's where we're at for talking about words because we're right at the end. What I would like to suggest is something that may be halfway that basically because there's so few of us to basically discuss the one issue where there still is contention, discuss the proposal, take that issue to the plenary. Although I must admit I'm very afraid of taking anything to the plenary with options to choose one way or another because as I say I don't want it to get thrown back but the proposal I would send to the list is that we take it, we send it as is with a note on the open issue of SLA versus service level guideline. And basically get a non-objection from the group for taking that action on a one week call. We still have the meeting a week later in case that fails. But at least that gives a certain amount of group capability to say yea or nay, to the state of the document and to the notion of going with an open question. I would also like to ask Patrick before going there whether there's more to be said about his two comments or how I should treat them. Because I can't in best conscious say they're resolved.

>>PATRICK: Hi Avri it's Patrick.

>> AVRI: Yes, Patrick. We do have the September call. End of September call.

>> PATRICK: Yeah. So I think regarding my comments, I think we're working through them. So I raise them just more for the group to make sure that we've identified or bottomed out on. With the other call that we would have between now and the plenary, I think we have time to get feedback on the open item that we want to go -- that Pam wants to go back to the group for and finalize and hopefully at the conclusion of the next call have a complete proposed recommendation for the plenary so we don't have any opens that I agree with you would be potentially problematic. Thanks.

>> AVRI: Okay, thank you. And in terms of Cheryl's -- it would be too late for the end of plenary, for the end of the September plenary but we were targeting the 18 October for first reading and the 27 October for second reading which meant we delivered by 11 October. As I say I just can't fit doing one into my

travel schedule next week unfortunately. Otherwise I would. I'm traveling on Monday then again all day Tuesday night and then I'm in a fully occupying meeting for the rest of the week. So I can't. If I had a cochair I would just sort of ask my cochair to take the meeting and we can proceed but I don't have one. Right. Twenty-seven plenary means 20 September deadline. As I say we could schedule a meeting for 20 September. Let me just look at the schedule. I've got 20 September. Twenty September is next Wednesday. And I'm flying much of that day. I leave red eye Tuesday and I'm flying most of Wednesday. So unless someone else wants to chair that. But yes, Jordan, 18 October is fine as long as we make the 11 October drop dead and that gives us 28 September as our next meeting and should we not succeed in that meeting, though I will write a note to the list saying, hey, we're at the end of our time, I'll schedule a meeting for every day after that until we do finish. Or something like that. Just to do. So, is there any objection then to -- I'll send a note similar to the first one though I won't be asking for the consensus. I'll be asking for people to finish up their comments so that we can submit. And could we close this out except for keeping outstanding issues open on this call? Yes, the note I'm sending is to the staff accountability group. Yes. We will still only get us of course. We have had a few people -- a few more people a few times at the non-APAC comfortable meetings. It is an unfortunate fact of life but we do get more participants in other times and our meeting next -- our next meeting is at 13UTC. So we may get a few extras though we won't get the Pacific U.S. people at that time, I don't think. Well we may. So, is that agreeable -- I guess it's not fully agreeable to you Jordan and Cheryl I get the feeling that you're with Jordan on this, that we really should just send it with the open question? Yep. So, Pam, correct me if I'm wrong but you're assuming or I'm assuming that you would like the time to take this and get it back. Now one question I have. If the result comes back that the contracted parties insist on it saying agreements and we still have the rest of the group at guidelines, then we'll still end up needing to take it to the plenary with the binary choice. Because, I don't think at this point the group was convinced of the service level agreements unless you were you were able to convince them at the next meeting. And Alan I'm not sure where you're at on this issue. Other than --

>> ALAN: I don't feel particularly strongly about it. I mean, we don't have the resources on this call and we're not likely to on the next one to make a definitive decision that will be supported by all the people involved. So bring it to the plenary and let where there's going to be more people present. I'm willing to do it. I understand there's some danger in it but, there's only so many hours in the day and so many meetings we can hold.

>> AVRI: Okay. So I'm getting the impression that probably that we're closer to consensus on the first alternative which was I write it up, I spend a week getting the non-objection from the group that's not here to send it to plenary and send it with the open choice unless something changes during that week of discussion. If I don't get -- if I do get an objection to sending the plenary from the group in any sense then I won't and we'll finish it at the next meeting. But otherwise we will send it off to the plenary. Does that work? Anybody strongly object to following that? And I know Patrick you did speak against that option and agreed with my nervous option. And I thank you for that. Okay. Cheryl's agreeing. I think we'll go with that as opposed to torturing us further for another 10 minutes on it. So okay, thank you, Patrick. Okay. So I'll probably write that up tomorrow once I've slept. And I'll send the non-objection, I'll set a time out of a week which I believe still gives me time to make the meeting on the 27th. I'll make sure that I've checked my timings and I've got it straight. Okay? Any other business we would like to talk about tonight or this morning or at this meeting? I have to be careful. For me it's night. If not, thank you guys

for being here. Thank you for participating and for being workers of this effort. I truly appreciate it. And I'll see you on the list and I'll talk to you in a couple weeks. Thank you. The meeting is adjourned.

[end of meeting]