WP1 Meeting #5 (18 March)

Attendees:
Sub-Group Members: Andrew Harris, Avri Doria, Beran Gillen, David Maher, Edward Morris, Finn Petersen, Gary Campbell, Greg Shatan, Jonathan Zuck, Jordan Carter, Jorge Villa, Kavouss Arasteh, Keith Drazek, Laena Rahim, Malcolm Hutty, Matthew Shears, Olivier Muron, Par Brumark, Phil Buckingham, Rahul Sharma, Robin Gross, Steve DelBianco, Vikson Acosta (23)

Staff: Adam Peake, Alice Jansen, Berry Cobb, Brenda Brewer

Apologies: Tijani Ben Jemaa

Please let Brenda know if your name has been left off the list (attendees or apologies).**

Transcript
Transcript CCWG WP1 Meeting #5 18 March.doc
Transcript CCWG WP1 Meeting #5 18 March.pdf

Recording
The Adobe Connect recording is available here: https://icann.adobeconnect.com/p565ey22fhe/

The audio recording is available here: http://audio.icann.org/gnso/gnso-wp1-18mar15-en.mp3

Proposed Agenda
1. Review of Agenda
2. Review of CCWG meeting and any actions arising
3. Substantive Content to Review:
   Note our progress/status chart is at https://docs.google.com/spreadsheets/d/1DaROrG8fIEGvdwAv-Bv-GBK3cG8UJGQUPKjFhmE6pq0/edit?usp=sharing
   Note also that content should all be available on the Wiki at https://community.icann.org/display/acctcrosscomm/WP1+Draft+Documents
   Powers matters:
   - AOC incorporation - Matthew Shears (as just circulated by me)
   - Removing ICANN Board - Malcolm Hutty (see his previously circulated amendment to Removal of Board template)
   - Updates on any missing ones as per the chart
   Mechanisms matters:
   - A - Existing SO/AC structures - Jordan
   - B - Permanent CCWG - Jordan
   - C - Statutory Delegates - Edward
   - D - Statutory Members - Edward
   - G - Community Council - Jordan
4. Our meeting Sunday 22 March 17:30-1900 local time in Istanbul
5. Any Other Business

Notes
WP1 Meeting #5 18 March 2015

This call is being recorded

Chat sessions are being archived and follow the ICANN Expected Standards of Behavior: http://www.icann.org/en/news/in-focus/accountability/expected-standards

These high-level notes are prepared to help you navigate through content of the call and do not substitute in any way the transcript.
Review of CCWG meeting and any actions arising

If the various mechanisms go forward, what process is there to ensure the time to schedule implementation before the transition or before the submissions to NTIA at start of July.

Substantive Content to Review:

Matthew Shears:

AoC incorporation:

AoC incorporation: other articles on the AoC than those in the AoC reviews. Document include comments from members

Asks for two new core values in the bylaws. a changed values and changes text in the bylaws

AoC Para 23. Decisions made in the public interest and accountable and transparent. The intent behind the text is not explicit. Ask for a new explicit item in the bylaws to clarify this commitment.

Further enhancement on consumer trust and choice.

Enhanced transparency: performing impact assessments on the impact of ICANN's decisions, with a second paragraph addressing a range of transparency mechanisms.

The bylaws do not commit to ICANN remaining a not for profit, the articles do but indirectly, whether there should be direct reference in the bylaws should be discussed

Jurisdiction now being discussed at the CCWG level.

Some of these issue will move into the amendments being proposed by WP2. Care taken not to allow the Board to use the global public interest as a way to avoid issues, or to give powers to smaller, self-interested groups.

community council and powers. Proposed that it may exercise powers when petitioned by 2 or more SO/AC. 3 strawman if removing the board.

Malcolm Hutty:

1. Original proposal. community my spill the board. High level of consensus needed to initiate and to execute. Spill the board as a power of last resort.

2. Same mechanism as the original proposal. Same high threshold to spill the board, but lower threshold to initiate process to consider whether to do so. To encourage the board to be more responsive to the community.

3. Different mechanism. Any SO could spill the Board by a vote of 'No Confidence' (if carried by consensus of SO). Would mean Board has to commit and confidence of each SO

Steve DelBianco:

Implementation of WS2 requirements. WS1 gave the powers to implement the mechanisms that may be more complex or longer term implementation. Full details of WS2 mechanisms will not be defined in detail ready for implementation.

Some will be in a state that will allow ICANN board to commit to their implementation at the time of transition. Others will need continued community work.

Keith Drazek:

To prevent ICANN imposing obligations.

WP1 looking at 4 factors: mission, powers, and restrictions. 5b is a restriction and a non-triggered, In this case some contracted arrangement would seem to be a possibility, or a bylaws provision that accomplish the same thing.

This is a new provision, both staff and board form imposing new obligations on contacted parties and these include obligations that flow down to registrants. These would be obligations outside of PDP or existing processes.

Ed Morris:

Statutory Delegates. Allows picking and choosing the powers we want.

Membership scheme: standards under membership are derived from the statute, we would not be able to set thresholds for example to call for a super majority or very high standard, the standard would come from the statute.

Topics for consideration by external legal advice.

Jordan Carter

Community council, revised

adjusted the appointments section. accountability, added bullet to cover removal of a council member.

What is the difference between the community council and a permanent CCWG?
WP1-
7b, creation of permanent CCWG. The difference is in the way in which the way in which such groups are constituted. CCWG: the powers would need to come from the bylaws, rather than an chartered organization which would not be permanent. For a CCWG, appointment would be by each chartering organizations, between 2 and 5 members. Voting arrangements would need to be considered.

Concern regarding ICANN regional balance.

Action Items

Documents Presented

Chat Transcript

Brenda Brewer: (3/18/2015 15:39) Hello and welcome to the WP1 Meeting #5 on 18 March 2015.

Gary Campbell: (15:50) Hi Brenda

Brenda Brewer: (15:51) Hi Gary!

Matthew Shears: (15:56) Hello!

Keith Drazek: (15:57) Hi all

Pär Brumark (GAC): (15:57) Hi all!

Edward Morris: (15:58) Hello everybody

Robin Gross [GNSO - NCSG]: (15:59) Greetings, all!

jorge villa (ASO): (16:00) hi all

Beran Gillen: (16:00) Hi all

Jordan Carter (.nz): (16:00) hi all

Jordan Carter (.nz): (16:00) I need an audio dial out - Alice can you message me for the number?

Jordan Carter (.nz): (16:01) we will start in 2 mins everyone :)

arasteh: (16:02) GOOD EVENING GENEVA TIME TON ALL

arasteh: (16:02) Dear

arasteh: (16:03) pls advise to dial me up

arasteh: (16:03) I am not dialed up yet

Jordan Carter (.nz): (16:03) Action packed agenda just about ready to go

Jordan Carter (.nz): (16:03) as soon as I get some audio we'll kick off

arasteh: (16:04) Could somebody advise the operator to dial me up

Brenda Brewer: (16:04) Yes, we will call you Kavouss

arasteh: (16:04) 0041 79 325 6534

Jordan Carter (.nz): (16:04) [my fault for not knowing i needed a dial in until just now, so apologies for the delay everyone]

arasteh: (16:04) No problem

arasteh: (16:04) If you have not started I will wait

Steve DeBlanco [GNSO - CSG]: (16:05) Benn waiting for the operator to admit me to the bridge

Keith Drazek: (16:05) waiting for operator

Edward Morris: (16:05) Same here.

Alice Jansen 3: (16:05) Hi Jordan, Brenda is working on dial-outs

Matthew Shears: (16:05) hmm seem to be having audio issues

arasteh: (16:06) Let us wait until everybody is connected to audio
Greg Shatan: (16:06) I am only in Adobe with no speaking capacity at the moment, since I am finishing a Working Group call.

Matthew Shears: (16:07) I don't have any update on 2D unfortunately (unless one of my colleagues does) but I Avri has joined our efforts on 2D so that is very welcome

arasteh: (16:07) I was dialed up but immediately disconnected

Keith Drazek: (16:08) I'm on the phone now

Brenda Brewer: (16:08) We are still trying to reach Kavouss by phone

Avri Doria: (16:08) sorry was in another call that was going over.

arasteh: (16:08) My phone is ok

arasteh: (16:09) and swiss line is ok but no connection no dialé up

Avri Doria: (16:09) Matt, I am still unclar on what is needed for @D, but am willing to contribute whatever might be needed.

Avri Doria: (16:09) ... 2D...

Matthew Shears: (16:10) thanks Avri!

Gary Campbell: (16:11) Yeah no audio

Berry Cobb: (16:15) 20 May 2015 is the target date to SO/ACs. They have 3 business weeks to approved to hit the target date of 10 June 2015 to the ICANN Board

Robin Gross [GNSO - NCSG]: (16:15) Obviously this timeline is unrealistic.

Berry Cobb: (16:16) https://docs.google.com/spreadsheets/d/1DaROrG8fGVEdwuBv-GBKP3cG8UJGQUPKjFhrnE6pq0/edit#gid=868244559

Keith Drazek: (16:17) We did not and I am ready to discuss.

Beran Gillen -ALAC: (16:17) line choppy or is it just me

Keith Drazek: (16:17) Yep.

Jordan Carter (.nz): (16:22) I would like to remind everyone that this meeting has been scheduled from 21:00 to 23:00 UTC so we have another hour forty or so to go, if we take the whole time. I will me bamaging teh discussion consistent with this.

Steve DelBianco [GNSO - CSG]: (16:22) note: I suggested the additon of GLOBAL in front of public interest.

Malcolm Hutty: (16:24) Is this adding "global public interest" as a test for all decisions for the first time?

Steve DelBianco [GNSO - CSG]: (16:25) I believe that ICANN staff analysis in support of GNSO policy requires impact analysis

arasteh: (16:26) I HAVE NOTED THAT SOME ELEMENTS FROM MATHEW'S WORKS ARE REPEATED HERE

Steve DelBianco [GNSO - CSG]: (16:28) the original Affirmation text is here https://www.icann.org/resources/pages/affirmation-of-commitments-2009-09-30-en?routing_type=path

Matthew Shears: (16:29) hope that was clear

Alice Jansen 3: (16:32) Please mute your lines...

Steve DelBianco [GNSO - CSG]: (16:32) We are proposing to move these AoC items into the bylaws. Core Values just seems to be the most logical place to put it.

Robin Gross [GNSO - NCSG]: (16:33) This is an important point Malcolm is raising.

Matthew Shears: (16:34) it is indeed

Robin Gross [GNSO - NCSG]: (16:34) In the bylaws, this could be used for the board to replace the bottom up process

Matthew Shears: (16:34) that would not be intention

Malcolm Hutty: (16:35) Glad that is not the intention, but concerned it might be the effect nonetheless

Avri Doria: (16:35) i do not see how it could be abused. the GPI does not replace the bottomup process.

Robin Gross [GNSO - NCSG]: (16:35) so we need to define it such that the bottom-up process decides the public process

Robin Gross [GNSO - NCSG]: (16:35) public interest, I mean.

Avri Doria: (16:35) it complements it and the PDP is not complete until there is consensus that the GPI has been met.

Matthew Shears: (16:35) understood Malcolm - key point
Robin Gross [GNSO - NCSG]: (16:37) possibly something like just changing the words "public interest and are accountable, transparent and bottom-up in their formulation" to "public interest in that they are accountable, transparent and bottom-up in their formulation" just a minor word change could prevent that misinterpretation.

Phil Buckingham: (16:37) it is indeed. isn't it important to stress the overriding core value of ICANN is to maintain the security and stability of the DNS.

Greg Shatan: (16:38) One of my colleagues who thinks a lot about drafting espouses the following drafting rules:

Steve DelBianco [GNSO - CSG]: (16:38) "feasible and appropriate" is ALREADY in the bylaws.

Greg Shatan: (16:38) Here's the upshot for my rules on shall vs. will vs. must: Use shall to convey obligations (including prohibitions). Use will to convey futurity. Use must (1) to point to an obligation that derives other than from the clause in which must is used or (2) to convey a condition to be satisfied before another clause takes effect.

Malcolm Hutty: (16:39) I don't have a proposed solution on language, but would like us to look at the approach taken in existing bylaws on GPI: namely, rather than requiring ICANN to act generally in GPI, to pursue certain issues in a manner that promotes GPI.

Jordan Carter (.nz): (16:40) We can't re-write the bylaws in total as part of this exercise.

Matthew Shears: (16:40) yes, wasn't trying to do that - rather add to

Jordan Carter (.nz): (16:40) I agree Matthew

Jordan Carter (.nz): (16:41) you haven't done that.

Malcolm Hutty: (16:42) Where they go in the bylaws, in the sense of questions of precedence between different bylaws aims, is fundamental.

Jordan Carter (.nz): (16:42) we have to agree this - but we don't have to do it today

Malcolm Hutty: (16:43) Very happy to defer it, Jordan. Just thought it should be raised.

Avri Doria (participant, ATRT): (16:43) the ATRT recommended that they did need to explain.

Matthew Shears: (16:43) This is critical and need more inputs on what we do with these elements from the AoC.

Steve DelBianco [GNSO - CSG]: (16:43) Bylaws are here: https://www.icann.org/resources/pages/governance/bylaws-en

Matthew Shears: (16:44) The qualifying para is also under discussion in WP2.

Steve DelBianco [GNSO - CSG]: (16:45) SHALL is already in the bylaws 722 times. SHOULD is used 41 times.

Matthew Shears: (16:45) Greg - plenty of wiggle room there - lol

Matthew Shears: (16:45) + 1 Greg

Malcolm Hutty: (16:46) Any ICANN body making a recommendation or decision shall exercise its judgment to determine which core values are most relevant and how they apply to the specific circumstances of the case at hand, and to determine, if necessary, an appropriate and defensible balance among competing values."

Greg Shatan: (16:46) These core values are deliberately expressed in very general terms, so that they may provide useful and relevant guidance in the broadest possible range of circumstances. Because they are not narrow prescriptive, the specific way in which they apply, individually and collectively, to each new situation will necessarily depend on many factors that cannot be fully anticipated or enumerated; and because they are statements of principle rather than practice, situations will inevitably arise in which perfect fidelity to all eleven core values simultaneously is not possible. Any ICANN body making a recommendation or decision shall exercise its judgment to determine which core values are most relevant and how they apply to the specific circumstances of the case at hand, and to determine, if necessary, an appropriate and defensible balance among competing values.

Greg Shatan: (16:46) The above was cut and pasted from the Core Values section of the bylaws.

Malcolm Hutty: (16:46) See Last sentence Greg. Seems to say each entity (and thus Board) has right to determine precedence.

Matthew Shears: (16:47) Agree Jordan - will include an intro para to that effect.

Steve DelBianco [GNSO - CSG]: (16:47) Agree, Jordan. Let's defer debates about the EXISTING bylaws language. Our job is to translate AoC commitments so that they could live SOMEWHERE in the Bylaws.

Malcolm Hutty: (16:47) Support this being an input to discussion, it's a very valuable contribution.

Keith Drazeak: (16:48) No objection to including it as an input, but also agree with the need to be very careful and consider risks introduced by any change.

Gary Campbell: (16:49) @Malcolm I absolutely agree as well.

Steve DelBianco [GNSO - CSG]: (16:49) regarding 8b: ICANN CEO committed to this in front of the US Congress last month.

Matthew Shears: (16:50) welcome further inputs as to where these should be included either in intent or as the existing text.

Jordan Carter (.nz): (16:50) also: thank you very much Matthew.

Matthew Shears: (16:50) Pleasure.

Jordan Carter (.nz): (16:50) Great piece of work.
Jordan Carter (.nz): (16:52) Malcolm: I did not envisage that the Community Council would only deal with removing the ICANN Board - I just fleshed out "a" vehicle that could do that. Just stating that for the record. It removes nothing from the importance of considering the distinctions you have set out here.

Steve DeBlanco [GNSO - CSG]: (16:56) best way to make this simple is to describe a mechanism in a few paragraphs, so people don't have to go thru the template. Most rows in most templates are N/A

Steve DeBlanco [GNSO - CSG]: (16:57) LOL

Robin Gross [GNSO - NCSG]: (16:57) restructuring as a membership org would also create a statutory power to spill the board.

Matthew Shears: (16:58) Malcolm are you suggesting that 1 of the SOs can spill the full Board

Malcolm Hutty: (16:59) Sorry, I understood to be considered I needed to submit templates. But the idea in essence is described in prose on first two pages

Keith Drazek: (16:59) +1 Robin

Keith Drazek: (17:01) Tabular format is good for ensuring consistency and completeness. Narrative summary is helpful for communicating intent and pros /cons.

Robin Gross [GNSO - NCSG]: (17:02) Agree with Steve. It is not uncommon for a corp to have the right to spill its board and it is not hard to account for that.

Malcolm Hutty: (17:02) @Steve DelB, I understand arguments against having a power to spill the Board, and I believe they are surmountable. My contribution was addressed to what kind of power, not to what would be the necessary power to make such a power viable and safe

Phil Buckingham: (17:02) + Steve - so what happens next when the Board is spilled.

Steve DeBlanco [GNSO - CSG]: (17:02) Agree, Robin. But I'm always amazed at the objections I hear from some who are fearful of change

Jordan Carter (.nz): (17:03) People aren't fearful of change, they are opposed to it, and use FUD to oppose it

Jordan Carter (.nz): (17:03) "Fear Uncertainty and Doubt" - FUD.

Jordan Carter (.nz): (17:03) [SOME people are fearful, others are opposed.]

Edward Morris: (17:03) +1 Keith

Robin Gross [GNSO - NCSG]: (17:04) Q. from legal scoping document: 11. What is recommended for an interim mechanism/caretaker board arrangements if the entirety of the board of directors are spilled by the community?

Steve DeBlanco [GNSO - CSG]: (17:04) This came up when we suggested the community could veto an ICNN Budget proposal, too. Again, we can have a continuing resolution to continue opera

Malcolm Hutty: (17:04) @Jordan I can't help thinking of the House of Cards quip "You might think that, I couldn't possible comment" :-)

Jordan Carter (.nz): (17:05) Malcolm: well, you might think that...

Matthew Shears: (17:06) Important issue Steve!

Malcolm Hutty: (17:07) @Robin. Do we want to pose an open question? We might suggest some possibilities, and ask if they are viable. e.g. Option 1) Corporate officer is designated as auto-promoted to Board if Board is spilled. Option B) Board if spilled remains in office until replacements appointed. etc

Jordan Carter (.nz): (17:07) I think the lawyers will chuck this at us anywaty, Malcolm/Robin

Malcolm Hutty: (17:08) Probably. I just dislike inviting lawyers to decide policy questions.

Jordan Carter (.nz): (17:09) All, if you want to discus any of this work at any time, I should add my skype address is jordancarter

Avri Doria (participant, ATRT): (17:09) or what has not been implemented adequately

Matthew Shears: (17:09) Steve - WS2 should be ongoing and therfore the power should be permanent/general power

Jordan Carter (.nz): (17:09) (it's on all my emails, but just wanted to draw attention to this here too.)

Keith Drazek: (17:09) +1 Avri

Malcolm Hutty: (17:09) wow, you may regret that jordan :-p

Robin Gross [GNSO - NCSG]: (17:10) I think we want their expertise to guide us on the best way to meet our goals. So we tell them our goals and concerns and they suggest the best ways to meet those goals. Since we have a variety of mechanisms proposed for meeting this goal, our interim plan would probably depend upon which mechanism we've chosen to use the power.

arasteh: (17:10) PLS KINDLY NOTE THAT SOME OF US SPEAKS TOOOOOO FAST

Steve DeBlanco [GNSO - CSG]: (17:11) Sorry Kavouss?

arasteh: (17:11) TKS STEVE
Edward Morris: (17:12) Absolutely Robin!

Avri Doria (participant, ATRT): (17:12) threatening to start the spilling the board process, should be enough.

Matthew Shears: (17:13) splitting the board seems an unnecessary escalation for accountability measures that they should be supportive of - but agree we need some power.

Avri Doria (participant, ATRT): (17:14) i agree, it should be necessary. but we would have that in our back pocket.

Robin Gross [GNSO - NCSG]: (17:14) The fact that we'd have the right to spill the board may be the best insurance to never having to spill the board.

Avri Doria (participant, ATRT): (17:14) ... it shouldn't be necessary ...

Keith Drazek: (17:14) +1 Robin

Matthew Shears: (17:14) good point Robin

Steve DelBianco [GNSO - CSG]: (17:15) There is not a stress test addressing failure to implement WS2 items. There are, however, Stress Tests that call for community power to force board action on consensus-supported recommendations/policies

Jonathan Zuck (IPC): (17:15) Agree. It's all about leverage that you hope nevert use.

Avri Doria (participant, ATRT): (17:15) if i understood, we are saying having the ability to enforce WS2 is a test of WS1?

Matthew Shears: (17:17) it might be a "power" that we require in WS1

arasteh: (17:17) PLS A LITTLE BIT SLOWLY

arasteh: (17:18) IT IS DIFFICULT TO FOLLOW THE SPEED OF SPEAKING

Jonathan Zuck (IPC): (17:18) yes Avri. that makes sense

Keith Drazek: (17:18) +1 The items we're punting to WS2 are only moving to WS2 because we will ensure WS2 recommendations will be implemented through the powers gained through WS1.

Steve DelBianco [GNSO - CSG]: (17:19) @Kavouss -- my email about this closely tracks what I'm saying. That's why I've been speaking quickly!

Matthew Shears: (17:19) +1 Keith

Robin Gross [GNSO - NCSG]: (17:19) yes

arasteh: (17:19) TKS STEVE


Alice Jansen 3: (17:21) 5 B 1 - https://community.icann.org/download/attachments/52888421/WP1_5B_1%20Prevent%20ICANN%20Imposing% 20Obligations_Accountability%20Contract.pdf?version=1&modificationDate=1426492980000&api=v2

Robin Gross [GNSO - NCSG]: (17:24) Agree these rules ultimately apply to everyone

arasteh: (17:24) COULD SOMEONE KINDLY DESCRIBE OR MENTION WHAT DO WE MEAN BY compact

Robin Gross [GNSO - NCSG]: (17:24) This is a great proposal, Keith!

Edward Morris: (17:25) I really like this.

Malcolm Hutty: (17:25) Absolutely. This is a core issue.

Robin Gross [GNSO - NCSG]: (17:27) There is no doubt these contracts impact internet users.

Steve DelBianco [GNSO - CSG]: (17:27) so, if a new gTLD guidebook allowed new obligations to be imposed as part of contract negotiation, would this Contract override the Guidebook?

Malcolm Hutty: (17:27) For non-contracted parties, they are very exposed to ICANN imposing policies on registrants via the RAA. Vitally important ICANN doesn't do this outside its scope, otherwise ICANN becomes the general legislature/police for the Internet

arasteh: (17:27) jordan

Jordan Carter (.nz): (17:27) hi Kavouss

arasteh: (17:28) perhaps you may kindly refresh my mind about what do we mean by compact

arasteh: (17:28) this is not a legal term

Jordan Carter (.nz): (17:28) we mean a piece of work that Becky is advancing in WP2

Malcolm Hutty: (17:28) For governments too, I would think this is vitally important. Abusing this power would critically infringe their sovereignty
Jordan Carter (.nz): (17:28) a community compact that would define what the community wants ICANN to be like as an organisatin

arasteh: (17:30) May we use a different or alternative term

Malcolm Hutty: (17:30) @Kavouss: I think "compact" is a deliberately undefined placeholder for a concept we will have to define better later, but that broadly refers to the scope of ICANN's proper sphere

Malcolm Hutty: (17:30) So we won't use "compact" in the final documents

arasteh: (17:31) hurrah

Robin Gross [GNSO - NCSG]: (17:31) I'm thinking about the enforcement of the contract. How would a party seek to enforce this contract against ICANN?

Malcolm Hutty: (17:31) Of course, that's just my opinion - but I would agree excising it later, while using it now to avoid bottlenecking on a sensitive discussion

Steve DelBianco [GNSO - CSG]: (17:36) Restrictions vs Reversal, as Malcom is saying. If the board takes a decision in a contract, the Community would have new powers to veto or review that decision.

Steve DelBianco [GNSO - CSG]: (17:38) Are all contracts and agreements subject to board approval? If so, then all those decisions would create 'opportunities' for community to challenge

Malcolm Hutty: (17:38) Let's ensure this item in particular is coordinated with WP2, as there's a lot of potential crossover

Robin Gross [GNSO - NCSG]: (17:38) Steve, I guess that would depend on how wide of a scope is the community veto. A contract interpretation doesn't raise to the level of veto-able in the current formulation.

Keith Drazeck: (17:38) Not your fault Jordan....I was asked to speak slowly (and apparently at length) :-o

Steve DelBianco [GNSO - CSG]: (17:39) Good work on this, Keith

Malcolm Hutty: (17:39) @Stev DelB, community challenge is necessary but not sufficient. Impacted parties need ability to challenge individually as well

Steve DelBianco [GNSO - CSG]: (17:39) I see, Malcolm. This is more than just 'Community' powers

Malcolm Hutty: (17:40) Yes. A "community powers" and an "individual redress" issue, both. Hence vital need for co-ord between this WP and WP2

Steve DelBianco [GNSO - CSG]: (17:45) Great work, Edward. I'm learning a lot from this

Steve DelBianco [GNSO - CSG]: (17:45) Are we doing Delegates next?

Keith Drazeck: (17:45) Thanks to Ed for that great summary.

Keith Drazeck: (17:46) +1 thanks Ed, this is just the beginning but it's a great start.

Steve DelBianco [GNSO - CSG]: (17:46) so Delegates can be just as powerful as Members, but only for powers we choose to allow, and we can specify the rules?

Robin Gross [GNSO - NCSG]: (17:46) Can also reformulate statutory powers.

Steve DelBianco [GNSO - CSG]: (17:47) so we could formulate a NEW power for Delegates to Spill the board? And we could specify the voting threshold?

arasteh: (17:48) is delegate option an alternative for member?

Robin Gross [GNSO - NCSG]: (17:48) We can do as we like as delegates

Steve DelBianco [GNSO - CSG]: (17:48) so we COULD create our own spill power for Delegates. Interesting

Robin Gross [GNSO - NCSG]: (17:48) yes, steve.

Steve DelBianco [GNSO - CSG]: (17:48) ICANN is not a common organization!

Jonathan Zuck (IPC): (17:49) it certainly isn't

Steve DelBianco [GNSO - CSG]: (17:49) @jordan -- we could talk for hours about this but we are respecting your call management

Malcolm Hutty: (17:49) It's not particularly attractive to be increasing the extent to which the particular provisions of California statute make substantive differences to the governance rules.

Edward Morris: (17:50) Delegates can assume power of members but there is no statutory basis to change powers assumed.

Steve DelBianco [GNSO - CSG]: (17:50) @Edward -- okay, but please tell me if we can create NEW powers for delegates where we disign the thresholds and standards, etc.

arasteh: (17:50) COULD SOME KINDLY< DESCRIBE WHAT IS THE DIFFERENCE BETWEEN DELEGATE AND MEMBNER?

Robin Gross [GNSO - NCSG]: (17:51) yes, Steve. We can.
Steve DelBianco [GNSO - CSG]: (17:51) @Jordan -- what are key differences between Comm Council and Permanent CCWG?

Malcolm Hutty: (17:52) @Steve @Jordan, if these are being proposed as alternatives, would be useful to see that question in tabular form (just as you said to me re: my straw men!)

Edward Morris: (17:52) Steve, I’d wait for the independent legal advisor to weigh in. We certainly can give delegates new powers not specified in the statutes; the question is whether powers delegated to members can be changed when assumed by delegates. I agree with Robin - I believe they can be, but case law and the statute provides no certainty in the question.

Jordan Carter (.nz): (17:53) I hate this rush and apologise for it

Steve DelBianco [GNSO - CSG]: (17:53) Very helpful, Edward. Will you be in Istanbul?

Edward Morris: (17:53) Yes

Keith Drazek: (17:55) +1 the Permanent CCWG would need to be secured in the bylaws.

Steve DelBianco [GNSO - CSG]: (17:55) what would be really helpful is a side-by-side where structures are in columns (CCWG, Council, Delegates, Members)

Robin Gross [GNSO - NCSG]: (17:56) I think Community Council is a specific form of a Delegate model.

Steve DelBianco [GNSO - CSG]: (17:57) if everyone has 20+ hours of travel, the nistanbul wasn't such a good choice!

Steve DelBianco [GNSO - CSG]: (17:57) @Jordan -- what about getting staff to create a table for Istanbul: side-by-side where structures are in columns (CCWG, Council, Delegates, Members)

Jordan Carter (.nz): (17:58) what would be in the rows?

Steve DelBianco [GNSO - CSG]: (17:58) the template

Keith Drazek: (17:58) Good work all. Setting the stage for Istanbul.

Steve DelBianco [GNSO - CSG]: (17:59) Yes, this was a substantive discussion and very valuable

Keith Drazek: (17:59) Did we lose Jordan?

Matthew Shears: (17:59) this has been very useful call

Jordan Carter (.nz): (17:59) can you hear me?

Keith Drazek: (17:59) No

Jonathan Zuck (IPC): (17:59) yup

Brenda Brewer: (17:59) That was Jordan's line

Keith Drazek: (17:59) We lost you Jordan

Jonathan Zuck (IPC): (17:59) he's gone

Steve DelBianco [GNSO - CSG]: (17:59) IF we lost Jordan, let's call it and see you all in Istanbul!

Keith Drazek: (17:59) We can wrap up if you like.

Robin Gross [GNSO - NCSG]: (17:59) thanks, all!

Steve DelBianco [GNSO - CSG]: (18:00) thanks, Jordan. Get better!

Pär Brumark (GAC): (18:00) Great work Jordan and all! Thx!

Adam Peake: (18:00) thank you

Robin Gross [GNSO - NCSG]: (18:00) Thanks, Jordan!

Matthew Shears: (18:00) thanks

Jordan Carter (.nz): (18:00) thanks all

Jordan Carter (.nz): (18:00) Sorry about the rush at the end

Keith Drazek: (18:00) see you all soon

Greg Shatan: (18:00) Bye all.

Jordan Carter (.nz): (18:00) See you in Istanbul

Avri Doria (participant, ATRT): (18:00) bye

Jonathan Zuck (IPC): (18:00) Yah!
Vrikson Acosta: (18:01) Bye everyone :)

Jonathan Zuck (IPC): (18:01) yakında görüşürüz