

**ICANN
Transcription
Standing Committee on Improvements Implementation meeting
Thursday, 24 March 2016 at 18:00 UTC**

Note: The following is the output of transcribing from an audio recording of Standing Committee on Improvements Implementation meeting on the Thursday, 24 March 2016 at 18:00 UTC.

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On page: <http://gns0.icann.org/en/group-activities/calendar#mar>

Attendees:

Amr Elsadr – NCUC - Primary
Angie Graves – BC – Primary
Anne Aikman-Scalese – IPC – Primary – Vice Chair
Sara Bockey – RrSG - Primary
Lawrence Olawale-Roberts – BC – Alternate
Wolf-Ulrich Knoben – ISPCP – Primary
Martin Pablo Valent – NPOC - Alternate

Apologies:

Stefania Milan – NCSG – Primary
Rudi Vansnick – NPOC –Primary –Chair
Karel Douglas – NCSG - Alternate

ICANN Staff:

Julie Hedlund
Mary Wong
Glen de Saint Géry
Terri Agnew

Terri Agnew: Thank you. Good morning, good afternoon and good evening. Welcome to the Standing Committee GNSO Improvements Implementation SCI call held on the 24th of March 2016. On the call today we have Amr Elsadr, Sara Bockey, Wolf-Ulrich Knoben, Angie Graves, Anne Aikman-Scalèse, and Lawrence Olawale-Roberts. For apologies we have Rudi Vasnick and Stefania Milan.

From staff we have Julie Hedlund, Mary Wong, and myself Terri Agnew. I would like to remind all participants to please state your name before speaking for transcription purposes. Thank you very much and I'll turn it back over to Anne.

Anne Aikman-Scalèse: Yes thank you everyone, appreciate your being present on the call. And I do want to express my thanks for all of the exchanges that we've had on the list that I think are really very helpful to the whole process in terms of analyzing how this is going to work, helping us to answer questions, you know, before they arise within our constituencies. And I especially appreciate the experience of those who serve on counsel or have served on counsel. And I'm confident that we'll come out with a complete tight proposal as we work towards consensus.

Looking at who's present are there any - could I ask staff which constituencies and stakeholders are not represented in this call? It looks like we have more of a Sub Team B participation than we do full SEI participation.

Julie Hedlund: This is Julie Hedlund. Let me just quickly pull up that member list.

Terri Agnew: It looks like we're missing the registries.

Julie Hedlund: Yes.

Anne Aikman-Scalèse: Okay.

Terri Agnew: The NCSG, the NTA and the NPOC.

Anne Aikman-Scalese: Okay that's unfortunate. I wonder if I could ask staff to send a little reminder to those primary and alternate representatives about the fall SEI meeting that was called for today. I know we always struggle with full participation but it does make it harder when we put something out for consensus call.

Julie Hedlund: Right. And I should note that I did I think get -- this is Julie Hedlund -- a affirmative RSVP I thought from - I did from (Carol Douglas) for the NCSG but I think he -- he was kind of hoping that might - he wasn't sure absolutely if he could join so that must have been them that he was not able to join. I don't think I heard from either (Valerie) or (Yulf).

Anne Aikman-Scalese: Okay.

Julie Hedlund: And of course Rudi did plan to join but, you know, then the events in Belgium, you know, then had -- you know, he originally did RSVP that he could join.

Anne Aikman-Scalese: Right excellent those are very good point there yes. And we can determine - it's Amy again. We can determine the procedure once we get to the end of the substantive discussion. I think it's very possible will have to have another fall SEI call on this but we'll see where how far we get with our recommendations and maybe, you know, just a follow-up note and probably maybe don't need to include Rudi in that from my standpoint but...

Julie Hedlund: That would be an unusual circumstance definitely I know.

Anne Aikman-Scalese: Yes.

Julie Hedlund: And I'll just note Anne - again Julie. I don't know if this order is, you know, okay for you on the agenda. But I had put the remaining issue on chair, vice chair elections first because that, you know, still needed to, you know,

needed a fair amount of discussion. And then after that the draft language on motions/amendments and if that were acceptable do you think?

Anne Aikman-Scalise: Sure I think that's great. And, you know, with respect to roll call I think we'll just take those that are listed in Adobe as the roll call as well as is there anybody on the phone who's not in Adobe? Is that - it looks like Wolf-Ulrich has dropped out on the train though.

((Crosstalk))

Julie Hedlund: ...going to have spotty connections. I'm sure he'll keep - he'll come back in as soon as...

Anne Aikman-Scalise: Okay, okay. And do we have anybody else on the phone who's not in Adobe? Hearing no one I'll just ask four statements of interest. Has anyone had to update statement of interest or a change occurring? Apparently not so thank you and we'll move on.

So some questions have arisen on the list or just in our Sub Team B group I think with respect to proposed procedure for counsel chair elections and conducting of counsel business where there is an opening in the vice chair position and there is no one who can continue. And I think Julie set out the scenarios very clearly.

Scenario one if both vice chairs are continuing, you know, Sub Team B has thought that we don't really have a problem. The - this is the procedure that was used in Dublin. And then the question that's to be raised -- and I do think it's worth discussing briefly -- are there concerns with the vice chairs conducting counsel business in addition to conducting the election if they continue in an interim term after the, I don't know in this case it's not an interim term I guess. In this case both vice chairs are still on counsel and there's not a new election of vice chairs or appointment of vice chairs

occurring. So is there any concern with vice chairs conducting counsel business?

I did not see in the exchange on the list any concern with that. So let me ask within Adobe Connect if anyone has a concern with the vice chairs who are continuing in office conducting counsel business would you please raise your hand? Okay I don't see any concerns expressed there so we're going to move onto scenario two.

In scenario two there's not a conclusive election of a GNSO counsel chair but only one vice chair's continuing on the council while the other vice chair's term is ending. And the question arose and I should say that this was also raised by IPC leadership in that case would we just continue on simply with one chair, one vice chair whoever that is from whichever house or would we also want to have the house that has the seat open be – to a point in interim vice chair participate in conducting the elections and in conducting counsel business?

So the IPC leadership felt that whichever seat was vacated the house should appoint an interim vice chair in that seat if only one vice chair is continuing. So could I ask for any comments yeah or nay with respect to that proposal from the IPC? Amr please go ahead.

Amr Elsadr: Thanks Anne. This is Amr. Yes I certainly agree with the suggestion. I think it makes perfect sense. I would also I would note though that in the event that a - that the (said) house if it should fail to appoint a vice chair for any reason that the available interim vice chair should go on and continue conducting council business as usual and not have to wait for the other house to appoint an interim. Thank you.

Anne Aikman-Scalese: Thank you Amr. This is Anne again for the transcript. I do think that's a good point about the timing on these issues. I think there's a fair amount of urgency sometimes to certain council business. and so we may

need to separately consider the question of how long each of these appointment processes takes, you know, before we get down to scenario 4. Angie I saw your hands go up. Were you going to comment? Angie may be on mute. So I'm sorry Angie we're not hearing you. If you're maybe – oh Angie oh I addressed her point she says in chat so she's in a loud place. So yes that question that we do need to consider, you know, should we be specifying the time frames in the sense that if council business does need to be conducted or if there are procedures that need to be followed for the vice chair for the chair election to get a conclusively a chair elected and the vacancy hasn't been filled what sort of deadline if you will would be appropriate?

And not having served on council I'm afraid that I don't have the experience that would be needed to even estimate that time period so some feedback on that point would be appreciated especially from those of you who serve or have served on council. Is it ten days, is it five days is it – and when is that triggered? Is it at the moment that the council chair election fails or should we otherwise just leave it open to...

((Crosstalk))

Anne Aikman-Scalese: ...and I'll go ahead and recognize Lawrence on this point.

Lawrence Olawale-Roberts: Okay. This is Lawrence for the record. We forget the timeline. Going through the operational manual that we have apparently it states that after a failed election we'll have to wait for a minimum of 30 days before a follow-up election can be held. And even where there's also an inconclusive election after that period we also have to wait for another minimum of 30 days which is about a month for another election to be held or for some form of intervention to have a leadership structure in place.

So based on except if we're going to be going for some change so to say which might not be an easy route. The timing for elections definitely has to -

might have to – might have draft it to fall within the minimum 30 day period. That's where I begin to agree with, you know, Amr's points that we might not be able to hold council activities down for a whole month especially where you might have two or three calls scheduled.

So with regards to the timing I think excepting we want to go for some bylaw change we'll have to work within a 30 day framework. Thank you.

Anne Aikman-Scalese: Thank you Lawrence. I am seeing a suggestion and it's always good for us to keep in mind what the bylaws say about the timeframe for election. But I do see a suggested from Mary in the chat that's being discussed with Amr that relates to the appointment by a house to a vacant vice chair position when there's no chair elected that suggests that this could appointment could be made I think without affecting the bylaws for a requirement to do so by the next council meeting. And that seems to me to make a good deal of sense.

In other words the appointment would be an interim appointment as I understand it for this purpose of concluding council chair election and conducting any council business that has to be conducted during that period of time where there is no conclusive chair but that the time requirement for that vacant seat of vice chair to be appointed would just be until the next council meeting. So I think that's a very constructive suggestion and one that would not cause a problem with bylaws. And I gather it would be triggered by an inconclusive council chair election and that the house that has the vacancy would need to appoint an interim vice chair by the next council meeting before the next council meeting. So Mary could you comment additionally on that, correctly summarized it? Go ahead Mary.

Mary Wong: Hi Anne. It's- this is Mary. You have summarized it and I just put it in the chat that the idea here is to not hold up any council business. It does give motivation to the relevant house to try to get an interim vice chair quickly because as it is we would have this potential shadow not having a permanent

chair and that whole 30 day thing as Lawrence was describing goes on in the background.

But as I think everyone gets the council business does still needs to go on. So next we now have one vice chair in scenario to let's try and get a second vice chair up and running as soon as possible hence the time limit.

Anne Aikman-Scalese: Perfect, thank you Mary. Now is there anyone else who wants to discuss that sort of timeframe whereby the House would be required to appoint an interim vice chair in time for the next council meeting? And I'm thinking that this would also apply in the event that there would be two vacancies of vice chairs which is actually in scenario three. So I will - because it's the same basic timing issue I'll open that up for discussion as well whether the time should be, you know, in time for the next council meeting. That seems to make a lot of sense to me.

And I don't think then Lawrence that it would cause a problem with the bylaws because we're still talking about conducting council business in-between that next council meeting and the 30 day provision that you discussed.

So Lawrence I'll go ahead and asked since you commented on that 30 day timeframe would you be okay with this proposal that a vacant seat has to be appointed for interim vice chair by the next council meeting after a failed chair election?

Lawrence Olawale-Roberts: This is Lawrence for the record. I'm - I think I'm okay with that except if we want to go further to state maybe a number of dates or like you said before the next council meeting it's a good time apparently between that time whatever gap has been created has to be filled up.

We could go a step further to say to give it in a matter of days. If you have 30 days with which to conduct an election then we could propose that maybe between the four seven days after a failed election the house concerned has

to conclude the nominating process and feel that we have enough time for the vice chairs to put the machinery in place to conduct elections as well as to also conduct the business of transfers. Thank you.

Anne Aikman-Scalese: Great. Thank you very much Lawrence. And this is Anne again. I would also like to pull Wolf-Ulrich back into this discussion since I see we have him back. Are you also online with the phone Wolf-Ulrich or only in the chat? Well he's got - it looks like he's maybe only in the chat. I'm hoping that by tracking the chat that we can see whether we have a fair consensus on this point of the time limit of appointing someone by the next council meeting. But we certainly can put it out after the meeting as well.

So then moving on to scenario three specifically that's the scenario where both chairs, vice chairs seats are vacant. They're outgoing vice chairs. And IPC had raised a question that it should be clear that an appointed interim vice chair is not prohibited from continuing as vice chair after the council chair election is successfully concluded. And that is again a matter of an appointment by the house. That's not, you know, so much in election process. And I think that what the IPC leadership was thinking was that the language their servicing those roles would end need to be clarified because that vice chair who was appointed as interim vice chair could in fact continue as appointed by the house in a more permanent role and so therefore the service as a vice chair might not end but the service as interim vice chair might end.

And so if that issue is clear we could discuss that for a moment. I'd appreciate it. And go ahead Lawrence. I see you are expressing disagreement to that idea and so we'd like to hear from you.

Lawrence Olawale-Roberts: Okay. This again is Lawrence for the record. I remember that we said that anyone who will be stepping in as interim vice chair will have to recruit themselves from their desire to transfer the election. And so we will – we're asking them to be an umpire in their own game or be giving them on do

- I feel the reason why we were looking in that direction is not to give anyone some undue advantage.

So if we're saying that the interim chair could as well go on to continue to be chair it will mean that one, we're not giving – we're not being fair to every other person that's coming out. My - that's my own personal opinion. It's not something that's (unintelligible) on the house. And then it will be negating that particular point that we brought out that whoever it is that is coming out has to be neutral. Thank you.

Anne Aikman-Scalase: Yes thank you Lawrence for raising that. This is Anne again. And I do want to make a clarification though but maybe I'll go to Amr and ask him to go ahead and comment and we'll see where we go from there. Go ahead Amr.

Amr Elsadr: Thanks Mary this is Amr. I actually had a question that I thought may be helpful in the point that Lawrence raised. It's a fair point. I was just wondering maybe if Mary or Julie could remind us because I don't remember when we did have incumbent council chairs who were running for a second or a third term perhaps who would chair the meeting or the agenda item which the election took place, maybe can compare that scenario to this one even though one is an incumbent running for a second term and this one is it interim who may be running for a council position or a vice council appointment. Thank you.

Anne Aikman-Scalase: Okay Amr there is one thing I would like to clarify before we go to staff on that issue and when we had a discussion about people being disqualified from the serving as interim vice chair if they were running for council chair in order to avoid just the issue that Lawrence was talking about with conflict of interest we said, "No, if you're running for chair you cannot serve as interim vice chair."

However the vice chair position is not an elected position per se. It's the question here is about a – an appointed interim vice chair being if you will sort of reappointed as the permanent vice chair after there is a conclusive council election for the chair. So there's - I think there's a bit of a clarification about whether a conflict of interest might exist. And it may still but I just us to explore that because what we're talking about here is not an individual who's running for chair but rather a person who's eligible to be interim vice chair because they're not running for chair and then also eligible to continue as an appointed vice chair after the interim vice chair role has ended.

So that - I think that is the question that we're asking. And I see the Julie put her hand down so going to recognize Amr.

Amr Elsadr: Thanks Anne. That was really helpful. This is Amr again for the transcript. Yes in that case if we're not talking about and interim vice chair who may possibly run for a council chair election we're talking about interim vice chair being appointed by his or her house to serve as the vice chair for the next year then yes then I don't think there should be any conflict of interest involved because this is the matter of a house selecting its representative on the leadership team. If the house doesn't want vice the interim vice chair to continue they simply won't select him or her. So I'm not sure I see an issue here.

If we were talking about the interim vice chair running for the council chair elections then maybe there - my question would make more sense. But in terms of an interim vice chair continuing with a vice chair for the next year I don't see much of a conflict of interest. Thank you.

Anne Aikman-Scalèse: Great, thanks Amr. And it looks as though I'm seeing in the chat that Lawrence is agreeing with that principle. He's observed I think that slide and he says that he does not see a problem with an interim vice chair running for I guess being appointed as we say within the house...

Lawrence Olawale-Roberts: Yes.

Anne Aikman-Scalese: ...continuing on in the vice chair role as long as that person is not running for chair which was the conflict of interest we were trying to avoid. And I see Wolf-Ulrich is typing. So is Amr. And may I ask staff do you have any comments on this in terms of being able to commemorate the - a little bit of a change in language here that would not produce any confusion? Are we okay from a staff standpoint about adding some language that would clarify that this is all right? Go ahead Julie.

Julie Hedlund: Hi Anne. This is Julie Hedlund. So my understanding is that the we want something added in here that says that they interim vice - the interim designated interim vice chairs would not be prohibitive - prohibited sorry, from being appointed as the – as on vice chairs or ongoing vice chairs by their respective houses -- something like that?

Anne Aikman-Scalese: Yes, yes that would be it. You know, and it's pretty much guaranteed of course on the IPC side oftentimes whatever language we propose gets, you know, their proposed modifications. I'm sorry but I think that, you know, just one sentence like that should clarify the issue. And I'm happy that my leadership is paying attention to this now. It helps us, you know, get things done more quickly. So I would be appreciated if you could add that sentence Julie and then we'll, you know, ultimately be sending that around to the full SEI.

Okay. Are there any objections to moving on to scenario four? If you – you know, go ahead Amr.

Amr Elsadr: Thanks Anne. This is Amr again. Yes. I just wanted to again to flag the role of the nonvoting NonCom appointee under scenario three. I have - I think I have less of a - I mean yes I don't have a problem with the nonvoting non-com appointee role under scenario four where he or she would be appointed as an interim council chair and just a - under scenario (unintelligible) not so much a

concern. It's just a question of whether it is appropriate or isn't. So and I think that raised this before and I don't know if we have any plans to kind of tackle that (unintelligible) answers to it or not. Thank you.

Anne Aikman-Scalese: All right thanks Amr. I appreciate your raising that because I think I missed it and it is worth discussing. So the cons that, you know, Julie noted from our last meeting not clear if there are concerns from the council or the NonCom or the nonvoting NCA to be included or conducting council business.

So there's a question here about the eligibility of a nonvoting NCA to be appointed as interim chair.

Amr Elsadr: And if I may this is Amr. Yes my concern here is not about the nonvoting NCA conducting council business. It's about the nonvoting NCA who is meant to not be associated with any of the two houses to be an interim vice chair for one of the houses. That's more what my concern is or the questions I have because my understanding is a nonvoting NCA as opposed to the two voting NCAs is not associated with either of the two houses in any way. Each of the two voting NonCom appointees are each attached to one or the other house. So it wouldn't be a problem of maybe having one of them sort of as an interim or even regular vice chair for the house.

So my question is just the appropriateness of the non-voting NCA being associated with one of the houses even on a temporary basis. Thank you.

Anne Aikman-Scalese: Okay. Thank you very much Amr. I think, you know, if I could summarize the question it might be whether it would be more appropriate in scenario three for us to recommend that the - only the voting NCAs would be eligible for appointment as interim vice chair in this scenario and that the nonvoting NCA would not come into play until scenario four. So let me just take a very quick kind of straw poll on this. If you agree that the nonvoting NCA should not be eligible to be appointed under scenario three could you

indicate your agreement in Adobe. Whoops Mary is going to comment so I can't seem to get anybody to vote but Mary is now going to comment so thank you Mary. Go ahead.

Mary Wong: You're welcome Anne. I wasn't actually buying time but hopefully people will voice their opinions. I was just going to say that the point the Amr raised was presented by the sub team. And I believe that their feeling was that while that is a point to be noted that was not a major concern. So now that Amr has raised it I was wondering if members of the sub team would care to comment one way or the other?

Anne Aikman-Scalese: Great. Okay thank you Mary. And Lawrence will discuss this a bit further before asking people's - for a straw poll. Okay thanks. Go ahead Lawrence.

Lawrence Olawale-Roberts: All right. So this is Lawrence again for the record. Going through the operating procedure as it presently is it doesn't in any way discriminate against the nonvoting and the voting NCAs in terms of their ability to take over I mean to become chairman of council. The only condition provided for the nonvoting NCA is the fact that if he or she were to become council chair that person would not have a vote.

And so if the GNSO put in (video) as we presently have it empowers the nonvoting NCA to be able to vie for the highest office though to say on the GNSO council then I believe that we begin to attach some conditions of some sort we would need to justify the reason why we are doing that when such an office already has been allowed so to say to buy for that same office.

It means that even the nonvoting as we presently have it in the nonvoting (NCSU) will step out to say I want to be council chair and he has or he or she has the necessary support for that they can as we have it become council chairs and not just vote.

So if we're asking such a person to step in because we feel that this is a neutral position and at the point where we've had field election at the point where we're asking such a person to step in we would have had field elections at least twice. And so it means that it's gotten to a critical point where we definitely need someone neutral and someone who is a part of the house. I believe it's better having a nonvoting NCA take up that role and in having to invite anyone from other members of the - I mean regular members of the community to step in to help us conduct an election.

So if we're asking the NCA to take that role for 30 days max, I mean minimum maybe maximum and help put in place an election that can provide some strong leadership it's something that we should be able to accommodate. Thank you.

Anne Aikman-Scalese: All right thanks Lawrence. And let me then go back to Amr. I think that he's noted in chat that his concern was only expressed with respect to scenario three. But I do think, you know, Lawrence makes an interesting point that the nonvoting NCA is actually eligible to be elected chair. Lawrence your showing more knowledge than I of the procedures with respect to chair election.

Amr does it change your view or possible concern in regard to scenario three that the nonvoting NCA is actually eligible to be chair?

Amr Elsadr: Thanks Anne. It's Amr. Actually it doesn't at all because like I said then I have no problem with the nonvoting NCA being appointed an interim chair under scenario four. It's being appointed an interim vice chair under scenario three and being associated with the house that is - that I find to be a little - well maybe just questionable. But I'm not clear on the procedures for example if when the house is selecting a vice chair under normal situations would it be okay for the house to collect the nonvoting entity? And I'm not sure.

I see Mary says that it should be up to the house. That would make sense to me unless there's some sort of conflict between the reasons why the NonCom select an individual to fill that seat and that – I mean is that person meant to be sort of neutral if either of the two houses or not? And like I said I will not vote no or I will not object to this being included it was just a question that I have and would like to hear thoughts of others. But let's be very clear on discussing the nonvoting NCA's role as the vice chair and how not as chair of the entire council. Chairing the entire council is I think it's clearly not an issue. And as Lawrence noted the chair would in that case be a nonvoting chair and a member of the council. Thank you.

Anne Aikman-Scalese: Right. Okay many thanks Amr. And I would just like for staff to confirm verbally for the transcript that the nonvoting NCA is otherwise eligible to be appointed the vice chair by one of the houses. I see Julie has recited procedure each house shall select a council vice chair from within its respective house. So when you use the words from within its respective house does that mean that the nonvoting NCA is eligible to be selected as a vice chair? Thank you Julie. Go ahead.

Julie Hedlund: This is Julie Hedlund for the record. The operational procedures are silent on this matter. They do not reference the nonvoting NCAs with respect to the process of the, you know, the choice of the vice chair. I do see and agree with Amr since the nonvoting NCA is not from within the house that would seem to suggest that because the procedure specifically say that each house shall select a council vice chair from within its respective house that would seem to preclude the nonvoting NCA but the procedures do not specifically say this.

Anne Aikman-Scalese: Okay thank you. And I'll go ahead and recognize Mary. I think we'd all like to know if this were going to require a change in the language of the procedures we'd probably be more reluctant than otherwise. Go ahead Mary.

Mary Wong: And just to follow-up on what Julie said it does seem that for the - I don't know what the right term is. Let's say for the appointed for the house appointed vice chair the person who is going to serve for one year that the language does seem to presume that that person has to come from within the house therefore, you know, if it's an NCA would be a voting NCA. So what we would then like to point out further though is that that is for the house appointed vice chair that serves for up to a year.

What we're talking about here is the interim vice chair. So I think in terms of what the SEI considers more appropriate to the extent that this position that we're talking about is seen as interim and fulfilling a specific potentially different function then that could argue for allowing even the nonvoting NCA to be eligible. That would not necessarily mean we have to change what's already in the (unintelligible) procedures as of now, only talk about the one year appointed vice chair.

Anne Aikman-Scalese: Great. Thanks for clarifying that Mary. I don't know on balance, this is Anne again. It looks to me as though unless we wanted to make a specific change for very positive reason or an advantage to the council that it might be best to stick with the existing eligibility provisions and say that this appointment, this interim is subject to the same eligibility roles in scenario three as the appointments for the more current vice chair position. I'm not aware of any particular reason why in this situation we should be opening that up to the nonvoting NCA if the rules already say from, you know, if their respective - its respective house. And is there something seen as a big advantage to be able to do that in scenario three?

And I'm seeing that Amr's agreeing that it would be best in scenario three at least to retain the eligibility based on being within the appropriate house. And Mary's raising the fact that is this the kind of situation where one house appointing a neutral nonvoting person may be preferable? So that's one of those questions that I suppose we could put out to the full SEI but I also see that both Lawrence and Sara are agreeing that the eligibility in scenario three

should be limited to the same eligibility that applies to vice chairs that are going to continue to serve for the rest of the year. And that does seem simpler in which case we would need to modify this scenario three proposal and leave out as Lawrence is noting in chat leave out the nonvoting NCA out of scenario three.

So it - let me just ask it this way again. And I see a lot of positive input coming in in the chat. If you agree that we should leave in scenario three if you agree we should leave out the nonvoting NCA and stick with the current eligibility rules that the appointed vice chair needs to come from one of the houses please click your agree to that.

I saw Sara agree in chat but I think but Sara could I ask you to clarify? I thought that you had agreed in chat but she did. She's clicking agree. I'm seeing a lot of agrees. Angie agrees, I agree, Amr agrees, Lawrence agrees. Wolf-Ulrich probably can't hear us. So okay let's proceed then staff with that idea that we'll remove the eligibility of the nonvoting NCA in scenario three. And thank you everyone for that very helpful discussion. It's great when we flush out the issues, you know, in that manner. It avoids, you know, that problem getting raised later and I really appreciate it. Thank you.

So hopefully we can move on then to scenario four. And that is the scenario where the houses have failed well, scenarios one, two, and three have failed. And we get into a position of last resort where we need for someone to be able to conduct council business. And the thought is that the last resort is selecting that nonvoting NCA to oversee the election and conduct council business until such time as the chair is elected.

It was a minor grammar comment from the IPC that this should be referred to as the or the nonvoting NCA. And then there was a comment about some concern that if that person is just incoming on council and not experienced on council in any way would we still moved to that option?

And some discussion as well that you might go ahead and move to that given that it would be a deterrent to the houses as far as their failure to appoint interim vice chairs. It would motivate them to do so. And so the question then became by, you know, at what point would this happen? And earlier in our call today we talked about houses appointing interim vice chairs as early as the meeting at which the chair council election failed. I think Wolf-Ulrich noted in chat that the house could in fact appoint a vice chair right then and there. But it might take longer to get agreement within the house to who should be appointed as interim vice chair and so it could be as late as the next council meeting.

And so the question presented here is timeframe. Again if the houses fails to appoint an interim vice chair by what point in time would the NCA start, the nonvoting NCA start conducting council business? Would it be as soon as the next council meeting? So I invite comment on that point. Go ahead Amr.

Amr Elsadr: Thanks Anne. This is Amr. Earlier in the call in the chat Mary has suggested setting a deadline by which the two houses could appoint an interim vice chair. And she suggested that the deadline be up until the next council meeting. I think this is a helpful suggestion and it would also serve that a time limit when in the event of scenario three both houses fail to appoint interim vice chairs. And this I presume would be an extremely rare and possibly a scenario may possibly never actually happen.

But in the event that it does and by the next by the following council meeting that the GNSO council knows that both houses failed to select an interim vice chair then at that point scenario four could kick in and would the next council meeting perhaps the nonvoting NCA could just go ahead and take over chairing the meeting because then in the absence of a chair at that point there will be no one to actually chair the council meeting. So we do need sort of radical nuclear solutions at this point. A nonvoting NCA I think would be a suitable solution to the scenario. Thank you.

Anne Aikman-Scalese: Thanks much Amr. And Mary did you want to go ahead and comment on that?

Mary Wong: I did if I may. And it's just an observation because as Amr has noted and I think as various people have said this is really the last resort option and it would be when these scenarios previously discussed don't work out. So this observation is really that if it does happen and if scenario four takes place the practicalities of a council meeting are that the agenda would need to be put out before the actual council meeting. And we do try to do that say about a week in advance. So there may be a timely, you know, in the corner here in this last-ditch scenario where really you don't have anybody after the eve of the council meeting so you may not even have an agenda.

I'm not from the staff perspective suggesting a different timeline. One reason they we're suggesting by the time of the next council meeting is because well two reasons. One is that's easy to understand and it doesn't bind the groups to any specific timetable. So that's the benefit of it. But I just wanted to point out that the practicality of this last resort option might lead to a certain depth which may we hope never arise if that's relevant. And I don't know.

Anne Aikman-Scalese: Very good. Thank you Mary. And it's interesting. I think that you raised the point that is relevant not only in the scenario four but also in earlier scenarios where we're specifying a deadline for appointment of an interim vice chair because if in fact the agenda is set one week before the next council meeting perhaps our deadline needs to be shorter than the next council meeting.

I don't know if it needs to be one week per se. And I would ask those who sit on council or have participated on council to comment on this. But for the conduct of orderly business when an agenda needs to be (sent out) perhaps we should choose, you know, three days or 72 hours or something as the deadline rather than the deadline of the next council meeting. And I'll go ahead and recognize Mary for her comments on this.

Mary Wong: Thanks Anne. And I'm going to try to not make things even harder but obviously there also needs to be agreement on amongst the council so this is a council affair now as to the dates of all the meetings.

So while typically you know, especially after the AGM which is where all of this would occur later in the year we've been looking at meetings for the next year. But typically there's no council meeting for at least a month, you know, after an in person meeting.

So if the SCM wants to go down the path that you're suggesting which is maybe to count backwards in the next council meeting you could say something like, you know, the interim appointment should be in place no later than two weeks before the next scheduled council meeting or something like that.

I don't think that on the SEI we can cover all eventualities but if indeed this is deemed to be possibility that we want to make sure that there is no gap then maybe rather than saying by the time of the next council meeting say something like not later than two weeks before the next scheduled council meeting, just a suggestion. Thanks.

Anne Aikman-Scalese: Thank you Mary. And I see that Amr is agreeing with you in the chat. I guess my question would be what if there is some reason for a council meeting to occur within two weeks of the AGM rather than a month? When you say two weeks before the next council meeting that could imply a requirement to name an interim vice chair immediately. I'm wondering if it might be clearer if we could ask that the houses appoint an interim vice chair within one week of the deadline of the failed council chair elections. Does that seem like that is not enough time to the folks on the call or could we address most situations by making the requirement to name?

And I see that Amr has dropped off the call. I think Amr that Mary had summarized the fact that - and he's back on now but didn't hear all that Mary said. But Mary had summarized the fact that normally after the AGM there's an entire month that passes before the next council meeting. But we don't know I mean there could be situations that arise where the next council meeting could theoretically happen within the next two weeks for whatever reason, you know, PDP that somebody needs to start whatever.

The question I have for the group is do you think that it would be a reasonable deadline that after failed council election each house where there's a vacancy that the house would be required to name the interim vice chair within a week of the failed council election? Would that be reasonable?

Sara says she likes the idea of prescribing timeline. I'm seeing - to make them make a decision sooner rather than later. And I see that there are three agrees of the one week proposal. Did I agree? No, there are - okay so we're getting several agreements checks here in the Adobe with the notion that after a failed council election that the houses would have one week to (unintelligible) vice chair and that that would cover most scenarios.

So I guess if staff could make that note. And I agree with Mary not every single scenario can be covered but that this might be, you know, the constructive suggestion for discussion purposes at this point in time. But I will go ahead and recognize Mary for her comment on that. Got ahead Mary.

Mary Wong: Thanks Anne. And I guess this is a personal reaction so I can't speak for Julie or other staff members. I personally think that one week may be a little short given that it was - and we're talking about this so-called normal ICANN meetings meeting at sites that the new meeting be for example. But if we talk about a normal ICANN meeting which we have now the council meetings take place on a Wednesday afternoon. So one week after that would really be the following Wednesday given that people will be traveling back in their

interim potentially on vacation or catching up on their day jobs it does seem to be a little short to staff.

So, you know, maybe as a form of compromise you can say something like ten business days or calendar days or something like that just to give people that little time. I do appreciate that, you know, we do want the houses to be motivated to make a decision sooner rather than later but so like this is a personal reaction and one week...

Anne Aikman-Scalese: Right. Okay.

Mary Wong: ...given that we're really looking (unintelligible) to more business days it seems kind of short. Sorry.

Anne Aikman-Scalese: Great, thank you Mary. And as we wrap up here I will recognize Lawrence for his comments. I personally think that ten days would also be fine. I don't think we want to use business days in the worldwide context because that does cause issues, you know, from country to country. I certainly could see ten calendar days. I see that Amr has also suggested what about one week before the next council meeting? Lawrence go ahead.

Lawrence Olawale-Roberts: Okay. This is Lawrence again for the record. I feel we can work around or I want to suggest we work around for ten days which makes it two weeks given two weeks from the AGM and two weeks into the next (unintelligible) the council election.

But another thing going for that I think it will help us if we have some insight from councilmembers. I think Amr can help with that since Wolf-Ulrich doesn't - might not be on audio to give some insights to how issues like this, what normally takes this. Because it's one thing to have all this structured out but we also have to apply to how the council works.

So for instance in scenario one to three what could be the possible challenges we will have in terms of administering this structure the way it is? Maybe we could draw some lessons from what's happened in the past and when we had a field election in the past how were they able to re-conduct the elections, what was the nominating process like in the house? I mean what actually took place? Knowing this this might help give us a better idea of how to structure our plans in terms of time with what we are looking at right now. Thanks a lot.

Anne Aikman-Scalese: Okay thank you Lawrence. And I see that we are actually over time. I would like to suggest that when staff is writing this up and sending it out to the full SEI that this issue of the timing be flagged, that the suggestions be summarized. We have ten calendar days suggested. We have two weeks suggested or 14 days suggested by Lawrence. We have one week before the next council meeting suggested by Amr. And I think that we need to flag those things so that we can be respectful of people's time that have to go on to other meetings. Would that be satisfactory from staff's point of view?

And I'm getting a agree from Julie. So I do I think we will unless there's any other business let's move on to when our next meeting might be. SEI has in the past had meetings every couple of weeks. I don't know what schedule we're on. I guess it's a little bit up to Rudi. Go ahead Lawrence (unintelligible).

Lawrence Olawale-Roberts: No sorry that's an old hand. I will take it down.

Anne Aikman-Scalese: Oh okay. So I'm not sure if the next meeting then would be up to Rudi or if we would want to say that would like to try to schedule a meeting in two weeks or whether we want to send out a Doodle poll again. But I do think that at this point hopefully we could get the full SEI to participate on our next draft and that that determination should likely be up to Rudi.

So that being said it strikes me we could ask for the continuation on the list as Amr has noted in chat with our next draft coming out from Julie and Mary and then getting this item on the agenda for the next full SEI meeting. I apologize that we did not get to the issue of motions and amendments but certainly Rudi will be much better informed on that particular issue than I am.

So unless there's any other business I would say as long as everything is clear to staff that we should adjourn. Are there any questions from staff?

Julie Hedlund: This is Julie. Just very quickly just to confirm the next call is two weeks?

Anne Aikman-Scalese: I think that would be up to Rudi because I do think then it's probably the next call is a full SEI call.

Julie Hedlund: Right. It is - would meant to be the full SEI call as this one was meant to be and...

Anne Aikman-Scalese: Right.

Julie Hedlund: ...normally they're every two weeks. And what I would suggest to be able to get this on people's calendars is that we would put it on the calendar. But in sending the notice we can then when I said the notice today I can confirm that Rudi confirmed his availability.

Anne Aikman-Scalese: That would be perfect. Okay thank you so much for your time. I'm sorry that we have run over but I very much appreciate the substantive discussion. I think we've made a lot of progress on clarifying how this recommended procedure will work. So everyone have a good day, morning, evening, night and we'll continue the discussion on the list. Many thanks all.

Terri Agnew: Thank you. Once again the meeting has been adjourned. Thank you very much for joining. Please remember to disconnect all remaining lines and have a wonderful rest of your day.

END