George Sadowsky: Okay, I'll speak louder and I'll cup my hand. So, I think the - there's some fundamental facts here. One is that the - the current Nominating Committee proposition was instituted in the bylaws in either 2002 or 2003, I don't remember which and I wasn't involved at the time.

And it represented ICANN in 2002 and 2003. And since then ICANN has changed quite a bit and the result is that there's been a broadening of the other constituencies and the need for geographic representation that didn't - really didn't exist at the time in 2002.

At that time the ALAC I think was a gleam in someone's eye and the ccNSO, I'm not sure, was a small organization compared to the GNSO. So the issue of broadening the representation of the Nominating Committee was really paramount in our minds.

The other thing that I can share with you is that there was a concern about pressure groups - groups forming in the - in recent nominating committees essentially vote trading - I'll vote for your candidate if you vote for mine.

Now, as you probably know, I was chair of the Nominating Committee from 2004 - no sorry, '05, '06 and '07 and I was an advisor to (Hagen) in 2008. I detected very little, if any, of this kind of behavior in my NomComms and a couple of people who were on the NomComms have verified that there really wasn't. So there's obviously been a change in behavior of the NomComms. And it's to the detriment of I think of choosing the best candidates.

So the group voting, the change in the voting pattern, is a way of eliminating, to the extent possible, that kind of horse trading in the committee. Let me stop there because I think mostly I want to respond to your questions. You may want to look at the slides, in fact you probably should, just to refresh your memory on what the changes have been. Thank you.

Q&A from the Council:

James Bladel: Thank you. James speaking. And just a quick couple of quick questions that I can better understand this, you know, this issue. The

report, and I think Mary even mentioned here, that the GNSO reps would be aligned by stakeholder group and not constituency. But in effect the real - the net/net is that the GNSO delegation to NomComm would be shrunk from seven to four, is that correct?

George Sadowsky: That is correct. I believe...

James Bladel: Okay then let's not be shy about that, let's go ahead and say that either in the report or in the supporting materials that we are reducing the GNSO delegation and the voting, you know, I hate to use the word power matrix but there's a, you know, way to map that out. But we're reducing the GNSO influence in NomComm period.

George Sadowsky: That's - on a relative basis that is correct. And on an absolute basis with respect to numbers that's correct also.

James Bladel: Okay so we are - someone somewhere - or a group of someones has decided that the current status quo is unfair or disproportionate I think is the word termed - the term that was used. And that we want to fix that. And that the fix is to increase the delegations of the other groups at the expense of the GNSO. And I think that's, you know, basically what we're boiling down to in this, you know, in this particular report.

I guess the only other question I had, and this I'm genuinely just completely not clear on is the genesis of this effort. Where was it born? Where did it come from? Who - you know, it seems like it's coming from, you know, I guess I'm wondering who is - who is the Board working group? Is that a subset of the Board? Is that - that's not the governance committee...

George Sadowsky: Yeah, it is. And let me clarify. I've got a train passing by so there may be - it may be a little bit noisy for a moment. The Board working group is composed of four people, myself, Ray Plzak, Ram Mohan, and Mike Silber. And there is - and we've reported this to the Board through Ray who heads the Structural Improvement Committee who tasked us with the job.

Now quick history, in 2007 the first review, and the only review of the NomComm was initiated. And it took until 2010 to get a final report out. And in 2010 the report said, you really ought to look at the composition of the NomComm in three years because it looks like it's getting skewed with respect to the way ICANN is developing. Those weren't his exact words but essentially that was the motivation for the recommendation.

So Ray Plzak put it on the calendar for late 2013 and the report is the result of that recommendation as endorsed by the Structural Improvements Committee. Does that help?

James Bladel: Okay, that is very helpful Thank you, George. And then one final question and I'll stop speaking here, Jonathan, is does anyone - given that the - the NomComm appoints so many of the current and presumably future Board members is it entirely appropriate that the current Board should be, you know, kind of making these proposals?

I'm not - I don't know the answer, I'm putting this out here as a question of where the authority to change NomComm lives. And maybe it is with the Board. But I note that, you know, I guess I'm just completely out to lunch on that because it seems like if a group or even if the members of a group are appointed by the NomComm then perhaps they should not be actively involved in restructuring its balance.

That's just, you know, I have not looked at this issue, I'm just kind of spit-balling right now so.

George Sadowsky: I understand what you've said. And I can understand your point of view. It has to do clearly with accountability and is the current system too ingrown to not subject to challenge from outside. I don't have an opinion that. I think what we've done - if we were to institute this without going to the community I think I would agree 100% with what you said.

And if we are able to take the comments that come in through - in the - from the discussion that's currently occurring online and incorporate them in ways that we felt would represent strong community views then I think we've probably done our job pretty well. The issue of course is to what

extent are we going to be improving community views, what will the community views be, etcetera, etcetera.

James Bladel: Okay thank you.

George Sadowsky: Does that help you or do you want a follow on?

James Bladel: No, I - thank you that's very helpful, thanks.

Jonathan Robinson: Thanks, James. Thanks, George. I've got a queue forming here and it's clearly stimulated some thoughts. So I've got in the queue, John Berard, Brian Winterfeldt and then Bret Fausett. So go ahead, John.

John Berard: Thank you, Jonathan. This is John Berard from the Business Constituency. Thank you, George, for participating in this. I will not seek to read or even summarize the comments from the Business Constituency on this. My hope is that you'll give them and all the comments that you get due consideration.

But there is a particular point that concerns me and it's the notion of anecdotal evidence used to make such decisions. Even in your opening statements, remarks, you said that you were chair through 2007, that you had heard that there was horse trading that you asked about and during the time that you were there was not but that you have heard that there has since been.

I can assure you that there are just as many people who would say that that's not true. And so it really begins to (unintelligible) that we're making decisions, organizational structural decisions based on anecdotal evidence which is never very good.

It also suggests to me that you're calling into question the credibility of some of the people who have actually been put on the Board and the GNSO and the ccNSO. And I don't think that that would be your intention but that's the impression that you leave when you say things like horse trading so it doesn't become a question of qualifications as much as it does affiliation. And I just wonder if you could address those two points?

George Sadowsky: Sure. John, I'm being open with you here. I would - I don't want to be formal and give you the - an (unintelligible) answer to these things. The issue of anecdotal evidence, it's the only evidence we have. We have a NomComm which is a pledge to secrecy when it comes to anything relating to individuals and candidates.

And the NomComm's form, they're disbanded, people are told to destroy everything that they have with respect to the NomComm and not speak of it. So if we have a limited pipeline into what's really happening in the NomComm even I, as chair, have a limited pipeline because if two people in my NomComm wanted to collude and went to the backroom and did so I might never know about it.

But so - but the anecdotal evidence is I would say more than just one person, it's a combination of a bunch of comments we've heard that we know come from multiple sources. And that's the best we can do. So with respect to that that's really all I can say. We believe it exists, we believe that - we believe that the current method - sorry, we believe that the method which is being proposed as strengths other than not allowing what I'd call horse trading and should be considered on its own merits in addition.

Now with respect to calling into question the people who have been put on various committees, boards, I don't know what to say about that. I'm not calling into question any specific person. I have no idea who the people who were involved in whatever horse trading existed whether it was successful or unsuccessful. I really don't have a good response for that. Thanks.

John Berard: Yeah, it's a tough notion to float because I don't know that we have any criticism with the people that the Nominating Committee has appointed. And so the facts in the case don't seem to substantiate such a consideration. The last point I'll make is equivalency is interesting but a false equivalency can be damaging.

And, for example, it seems as if the Government Advisory Committee has long had a seat on the Nominating Committee that it has never filled. We know the GAC's not wanting to participate in working groups because no single individual can speak for his or the government and no government can speak for the GAC.

And so by expanding the number of GAC seats is it just a papering over of a problem rather than a real solution? That's a rhetorical question for now. We'll address it in our comments.

George Sadowsky: Well, let me just say it's an offer. It's an offer - you're right, the GAC has not participated. I've talked to the GAC about this. Some of them have shown interest, others have not. And it's because they can't bring back - they can't report back to the GAC what happens in secret sessions.

Now if the GAC wants to participate they can. We've left it open for them. It seems to be a reasonable thing to do. My guess is they won't show up but they may.

Jonathan Robinson: Thanks, John. Thanks, George. I've got two others in the queue and then I think we'll probably have to close this item. I've got Brian Winterfeldt. You're up next, Brian.

Brian Winterfeldt: Thank you, Jonathan. This is Brian Winterfeldt from the IPC. Thank you for joining us today. I think this has been helpful. We're definitely learning more about what initiated this process. The IPC is definitely preparing public comments which I know are due by October 21.

I just had one quick question. By shifting down to four members being appointed from the GNSO, essentially one from each stakeholder group, did you all think about the fact that essentially is going to abolish representation for multiple specific constituencies in favor of broader stakeholder group representation which is something that I know the IPC is concerned about and my guess is there are other constituencies who share that concern as well.

George Sadowsky: Yes. I'm aware of that. And it really forces you to make a decision certainly in the Business - in the - I'm forgetting the name of the stakeholder groups - certainly in the Commercial Stakeholder Group it does force you to make decisions that otherwise you would not have had to make.

And - but there's really - I don't know how else to handle it well. There was some pressure - I can give you another reason why it was important to start this process of reorganization now. The NPOC came in and joined the NCSG about a year or two years ago. And they have been arguing fairly stridently for representation on the NomComm, I suppose as you would under the new plan.

And the problem is that if every new constituency were to get a vote automatically then there would be a - it would end up with a very disproportionate distribution of influence on the nominating process.

So the simplest way, and it seemed like the most direct way in terms of your major internal restructuring, was to go back to four stakeholder groups. Now, you're obviously going to comment on this and I welcome your comments. But if you do that, if you comment, please give us a way of - a different way, a new way, of looking at the internal structure of the GNSO that makes sense and takes a step toward what you want.

Jonathan Robinson: Thanks, George, for that. I mean, I'll just intervene and say thank you for responding to that so constructively and it's very helpful to hear the door is open there and that's useful. Brian, I don't know if you wanted to say anything more before we move on to the next person?

Brian Winterfeldt: No, no I appreciate the answer to my question. And that is very helpful feedback for us to consider while we're putting our comments together. And we appreciate it. And I think you probably understand what our concerns are and it sounds like we have a better understanding of what you're looking for. So hopefully we can come up with some constructive suggestions in our comments.

George Sadowsky: Thanks. I hope you do.

Jonathan Robinson: Let's move on to Bret next.

Bret Fausett: Sure, thanks. Bret Fausett from the Registry Constituency for the record. I have a quick comment and then a question. The comment I put in the chat, I heard horse trading as a word thrown around pejoratively. I don't think there's anything wrong with horse trading. In fact, I think sometimes that's the only way a minority group can get a candidate that they strongly support on the Board by working with other groups and negotiating to get that person up. At least that was my perception from the year I spent on the NomComm.

But my question is more toward the GAC representation. I'm interested in how that idea came about and whether that was GAC generated? Have they asked for this? Or is this coming from some other place? Thanks.

George Sadowsky: I'll take the last part first. The GAC has always had a seat on the NomComm. And even though it chose not to fill it ever since I think (unintelligible) (Fernando) filled in 1994 and then the GAC got defensive and decided not to deal with this anymore.

The reason is that it reflects the internal structure of the GAC just like the other boxes reflect the internal structure of those ACs and SOs. And the GAC has three vice chairs so we thought that for reasons of comparability we would give the GAC the three possible seats, one for each vice chair, and obviously for the - for the geographic area which they represent if in fact they do.

With respect to horse trading, I guess we differ. I understand your point of view but I guess mine is different. And, yeah, let me stop there.

Jonathan Robinson: Thanks. I've got two in the queue and then I'm going to call it a day after that. We've got other items on the agenda we have to get through and acknowledging that this is an important and substantive item but there are others so Petter and Volker and then we close the queue. Petter, please go ahead.

Petter Rindforth: Thanks. Petter Rindforth, IPC. Sorry, I was off the line for some minutes so you may have already informed about this. But are there any current plans to have a session at the LA meeting regarding this proposal and for the community to ask questions?

George Sadowsky: I don't know yet. We haven't started planning the LA meeting. It's not a bad idea. Please suggest it. And I will make a special note of that comment and pass it onto the people who are planning the LA program.

Petter Rindforth: (Then) I suggest it.

George Sadowsky: Well, you know, we can both suggest it.

Jonathan Robinson: Thanks, Petter. I've got Volker next.

Volker Greimann: Yes, Volker Greimann speaking. Just one very quick comment. It strikes me as interesting that the amount of votes for the GNSO are reduced both numerically and by having the votes physically - the members physically reduced and (unintelligible) by broadening the scope of the NomComm anyway.

So the thing that struck me first is if you want to expand the number of people that can be represented on the NomComm wouldn't the most logical solution be to also expand the number of votes from the GNSO by one to have eight people - four from each house and then thereby not creating the impression that the GNSO input is seen as less important with the makeup of the NomComm and rest of the organizations.

George Sadowsky: Well I guess I would see it as the GNSO being of equal importance to all of the other constituents, the other ACs and SOs which have only three votes. I know that's probably not the answer - am I still connected?

George Sadowsky: Yeah, I am. I know that's not a happy answer for the GNSO but that does provide parity across the ACs and the SOs. And that was our thinking and you're free to disagree with but that was why we came to that conclusion.

Jonathan Robinson: James, I did say I would close the queue.

James Bladel: Yeah, I'm sorry. I'll withdraw the question.

Jonathan Robinson: Okay well I'll take advantage of making two closing remarks, George, and you may want to respond to these before you close yourself. But the first is clearly, you know, thinking with the GNSO hat on there is an issue of a substantial dilution that needs to be very carefully considered and whether or not that's appropriate.

One must be respectful of other participants in the whole overall ICANN structure but the GNSO had a position and arguably still has a critical position within the ICANN structures as being absolutely core and perhaps not worthy of dilution. So I think we need to come back to you on that one.

The other is a process one. And just - and so I don't expect a response to that first one because that's really up for us to advocate and discuss amongst ourselves.

The other is a process one though, it strikes me that - it's surprising that the Structural Improvements Committee referred this to a Board working group rather than a review process as they've done, for example, with the GNSO review.

And I'm just wondering why they didn't commission another review of the NomComm - a current and contemporary review rather than looking back to the previous one and commissioning a Board working group. So I don't know if you have an answer on that, George, but that's certainly a question on my mind.

George Sadowsky: Yeah, I don't know if - I think I have an answer that is that the - let's see - Lyman Chapin was the chair of the NomComm review that was finally published in 2010. And at this point I can't remember whether it said convene a Board working group or convene a process. I think - this is Ray's interpretation. He said, well, let's get a Board working group together and put - and see what we can do.

And I'm sure he had in mind public comment whether he considered the - another review of the NomComm, I don't know. Frankly, I don't think so and I'll tell you why. Because reviews - my sense of reviews in the ICANN context is that they are long and laborious. It took three years to go from initiation to completion of the last review.

And I think that if - simply in terms of efficiency, forget the - you may have an equity argument, but in terms of efficiency it was the right thing to do and it may lead to something else; it certainly leads to public comment and it will lead to I suspect a session in LA. It was probably the best way to launch this and get it off the ground whether you may choose to disagree with the equity issue here.

I'm not going to comment on the first point. I think you've made it. We - expect to say that your concerns are not unexpected.

Jonathan Robinson: Great. George, thank you. I think that - I really appreciate the candid and frank manner with which you've both made yourself available and engaged with us. It's very helpful and much appreciated. It's the way we should work together and notwithstanding obvious concerns about the outcomes of the work of the Board working group it's really appreciated that you were able to take the time and make the effort to communicate with us in this way.

George Sadowsky: I will say this, Jonathan, that the Board - at times, I know from the outside, from before I joined the Board, that the Board activities look quite opaque from time to time, maybe a lot of the time. And so I too am grateful that we have this opportunity and we can have it again if you'd like.

I think it's important that the GNSO understand to the maximum what the Board is thinking and I think the feedback that you give us as well as other people give us will generally help to make a better product, let's see if that can happen. Okay?

Jonathan Robinson: Great. Thanks again George.

George Sadowsky: Okay, thank you. Bye.