

ICANN Transcription
GNSO ByLaws Implementation Drafting Team
Thursday, 15 September 2016 at 1900 UTC

Note: The following is the output of transcribing from an audio recording of GNSO ByLaws

Implementation Drafting Team call on the Thursday, 15 September 2016 at 19:00 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. Attendance may be also found at:

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Coordinator: The recording just started. You may now begin.

Michelle DeSmyter: All right thanks JR. Good morning, good afternoon, good evening.
Welcome to the GNSO Bylaws Implementation Drafting Team call on May 15 of September 1900 UTC. On the call today we do have (Farzi Badi), Darcy Southwell, David Maher Edward Morris, Steve DelBianco, Steve Metalitz. And we have apologies from Amr Elsadr. From staff we have Julie Hedlund and myself Michelle DeSmyter. As a reminder I'd like to remind you all to please state your name before speaking for transcription purposes.

Steve DelBianco: Hey thanks everyone. It's Steve DelBianco, first apologies for having to move the call from our scheduled time yesterday. I was a witness in the hearing in the US Congress Senate Judiciary Committee on the transition and many apologies for that. Darcy you have your hand up?

David Maher: Sorry that was an accident.

Steve DelBianco: Oh no problem. And one of the first things we do on here is to review the agenda, rollcall, statements of interest. So let me just give one statement that I'm sure you're interested in which is how that hearing went and how it could have implications for our group. I think the hearing revealed that there is significant opposition from Republican members of Congress in doing the transition this month if at all. That's not new but it was a little surprising about the breadth of that.

How would that show up? The only way it's likely to show up is that the resolution funding the government which would probably only run through early December which would be October, November and one week of December -- approximately nine weeks -- that may have a very firm prohibition on relinquishing the IANA contract. That would last approximately nine weeks and that would force the hand of NCI to tell ICANN perhaps as soon as tomorrow but more likely by the end of September would tell ICANN look were going to extend it.

I understand the automated term of extension is a year but it could be less than that. And since it's only a nine week period I'm not as concerned that a lot of mischief could happen. It's not as if the UN would begin pounding shoes on the podium. And I don't think yes, Ed Morris mentioning something in the chat which was too funny. But I don't think that we have to go to the board and ask them to honor their commitment of ripping those bylaws apart and implementing all of the accountability reforms like they committed to and then taking out all of the IANA reforms like the IANA functions review customer standing committee post-transition IANA.

More than likely it's prudent to just leave all that alone for nine weeks as we wait and see if the political climate in the US cools down after the election. It could actually heat up. We don't really know but if things cool down we wouldn't have needed to reopen and re-litigate the bylaws which I think would be a disaster and we won't have needed to stir up the UN too much if things get back on track after the election.

So with that view in mind I think that this group, this drafting team still has to work as if our deadline is about 16 days from now. And that is our deadline to have an implementation report about which we have consensus and about which we would hand to the council on September 30 for their disposal since we serve at the request of council pursuant to a resolution. So before we jump into the full-blown agenda here I thought I would see if there were any comments or questions regarding how that hearing yesterday might affect our work? Go ahead Ed Morris.

Ed Morris: Thanks Steve. I just want to agree with everything you've said. Yes I spoke - I'm in Boston right now. I've spoken to people in (Markie)'s office today, some friends down in DC. Nobody knows exactly what's going to happen. But we shouldn't be reactive to things that may be changing on a daily basis in Washington. We should just keep doing the work as scheduled that we intended to do.

And the worst-case scenario is we're just going to be ready - and at worst case we're going to be ready 11 months in advance. That's not a bad thing. So I agree with your proposal to just keep going on the schedule we've had, just keep plowing away as if nothing's happening outside our little bubble.

Steve DelBianco: Thank you Ed. I'll note that if the NTIA used its option to extend by one year it could still terminate earlier if early December proved that (Singer) has prevailed or it could ask ICANN at any time to terminate earlier. So I think the

one year might be just what's in the contract but it doesn't have to be to the full extent.

And then Julie Hedlund notes she's right our data is part of a council motion. So obviously we still want to honor what the council motion asked us to do and we'll take it from there. Any other comments? Ed your hand is still up.

Ed Morris:

Okay great. I want to thank staff for the comprehensive notes I took after our last call. And reading the notes makes it seem like it was a pretty productive call in the sense that we did a bit of a straw poll on whether GNSO itself could express its preferences or would we use, continue to use council to express the will of the GNSO.

It was only a straw poll. We have nine members on this drafting team and that straw poll indicated that currently we're going to proceed as if the council speaks for the GNSO. There was one document that staff Julie in particular did for us about three weeks ago where she dove into the new bylaws to look for where the word council or GNSO Council was used and other places where the word GNSO was used without the word council after it.

No need to bring that up right now in detail but that's at our disposal. If we ever wanted to go back and understand whether there was any purposeful measures in the bylaws to try to suggest that it goes to the GNSO my read of Julie's analysis is that there are several instances where the word GNSO super majority showed up in a paragraph speaking about council ccNSO Council. And it strikes me as it was probably inadvertent that it really meant the GNSO council super-majority since there was no such thing as a GNSO super majority unless we were able to design one in this group.

So I'll while - what we're recapping before we dive into today's agenda Steve Metalitz your hand's up. Go right ahead.

Steve Metalitz: Yes thank you. This is Steve Metalitz, just really just two points. First on what you just mentioned in fact in the current bylaws there is a definition of GNSO super majority and it means 2/3 of the council members of each house or 3/4 of the council members of one house and a majority of the council members of the other house. So whether or not GNSO super majority was used inadvertently there or not there it is now currently a defined term in the bylaws so I just wanted to correct that.

And I also just wanted to just to make sure that there is no understanding about yesterday - or excuse me, it seems like yesterday, last week's meeting and what came out of that. I - on behalf of my constituency we do not agree with the proposal that the GNSO Council should speak for the GNSO on these non-PDP matters that we've identified that arise out of the new bylaws. But I recognize that that's a minority viewpoint in this group currently but I do want just want to make the record clear on that. Thank you.

Steve DelBianco: And thank you Steve. You're absolutely correct on the point of using GNSO instead of council and I think the notes faithfully reflect that. And we have to achieve consensus in this drafting team so I thought that it was prudent to move ahead given that it was - there was only a minority in favor of bypassing council so that's one of the reasons we're trying to move ahead on that.

And Steve you're also exactly correct the word GNSO super majority is a defined term that implies council. And in the four places where it's used in the new bylaws the word GNSO super majority are both capitalized. So if in fact that meant that they were selecting, the drafters were selecting the word super majority to be council that would say that there isn't really any ambiguity in the new bylaws and that every instance GNSO is referenced it's either explicitly indicating council or implicitly indicating council because the term super majority means counsel. Steve I'll just pause there. Would you agree that the new bylaws seem to be unambiguous about council and not GNSO?

Steve Metalitz: On those - in those areas yes. This is Steve Metalitz again. So in 18.2, 18.12 let's see where else does it sit, 19.1 19.4. I think those of the places where the new bylaws if I'm not mistaken those are the places where the new bylaws refer to GNSO super majority. And I think that it is capitalized so I think it does mean to reference that definition.

Steve DelBianco: All right. Thank you very much Steve. And thank you Julie and to the extent Michelle and other staff members helped with that analysis. That was a quick turnaround and that helped us to stay on this track. So with all respect to the minority view that we don't necessarily have to pick council, we can make it the GNSO with all respect for that for now given we have just two weeks for our deadline I propose that we proceed like we did on the last call which was to assume the council speaks for GNSO -- and this is on the agenda there today. And then we had said now we move to the question of what is the default - sorry what is going to be the voting threshold for at least three types of decisions? And we have three types of decisions laid out. And if we can come up with thresholds for those three it is easy to map those under the table indicating all of the different decisions that the new bylaws put in front of GNSO.

And those three types of decisions are the approval of nominations to entities like post-transition IANA, the customer service, customer standing committee review teams required under the bylaws, not just the affirmation anymore and an empowered community representative. Those are nominations that will be required for the GNSO where they were not before.

The second was to approve decisions and actions that are available in the bylaws to the empowered community. And that would be considering a petition from another member of empower community to for instance block an ICANN budget or launch a community-based IRP.

And then the third Ed Morris brought up which is the notion of exercising the new document inspection and investigation rights. And Ed you brought that

up as a third category. I would've thought that was part of the second category of a decision, a yes no decision that is do we launch an inspection investigation? And yet I think you make a good case that simply requesting document inspection and investigation should not have to achieve a very, very high threshold since it's not definitive, it's not determinative. It simply asks for more information so it might well deserve a lower threshold than approving an action of the empowered community.

And then on last week's discussion we talked about the different kinds of thresholds that could work. We all acknowledged that the default threshold in ICANN bylaws and called the world word default is that a majority of each house and included in there is the nominating committee representatives to each house, the voting NCA reps. So they're part of what's called the default rule

And as Ed Maher and others have pointed out, David Maher pointed out we - and council has use that the fault rule for non-policy related decisions like appointments to review teams, like whether or not to approve a charter for something like the CWG and the CCWG. Those were all done on a majority of each house.

And no matter what we do here that majority of each house rule will still be in the bylaws. We are seeking - investigating whether we want to recommend a different set of voting thresholds that don't necessarily divide the world by house since I think Steve Metalitz made this point on our last call the house structure was a last-minute compromise coming out of a GNSO restructuring of six years ago and it was designed for policy decisions. That was what the house structure was designed for.

And the default rule for non-policy matters was a majority of each house. Now what I would propose is that we have a robust discussion of other kinds of voting thresholds for just the purposes of let's say approving nominations, empowered community and documented inspection rights. So please make it

clear this does not even if we were to agree upon a simple majority of councilors for the purpose of a review team appointee that does not restructure the council and it doesn't change anything about the way the council votes today. All the council voting rules are still in place but we would be writing or recommending a council voting rule for these three categories of matters that come before us because of the transition so it's totally separate. So Steve Metalitz go ahead.

Steve Metalitz: Yes thank you. I just wanted to go back to the three points that are in this agenda of about the kind of three categories of actions. And I'm a little confused about this that I think maybe it's just a wording problem but you refer to these as three types of empowered community actions and the first one is approving nominations.

I think when we first had this discussion you said that those are the who questions, you know, who will represent the GNSO on various entities. Then number two is approving decisions and actions available to the empowered community. Those are the kind of yes, no or instructions. You know, do we support or not support some action that the empowered community is being asked to take? And then the third you have document inspection and investigation rights.

The concern I have is that and maybe it's just because of the empowered community language there's actually several other places where the GNSO is empowered to act as a decisional participant or in some other way under the new bylaws some capability or action that it didn't have under the old bylaws. And I don't know whether those - and they're not necessarily empowered community activities. They're certainly not part of the EC, you know, whatever that is, the entity that exercises the powers of the empowered community.

So I mean I think inspections is just one example of those but there are others. And so I just wanted to expand this third category a bit or else make it clear what the second category covers because I think there are several

things that the GNSO is empowered to do that aren't really empowered community activities. One has already been mentioned which is inspection 22.7. Then there's also 22.8 which is determining whether there's a credible allegation that ICANN has committed fraud or gross mismanagement. And that's the decision that GNSO along with two or more other decisional participants can make. And it sets and - it leads to an independent investigation and so forth.

But that's again it's not in empowered community. It's not the empowered acting. It's some decisional participants. So that's another example. I got two or three more but all I'm saying is that there are some things that I don't think our empowered community roles but that are new roles for the GNSO.

Steve DelBianco: Hey Steve would you take a question for a moment please?

Steve Metalitz: Yes go ahead.

Steve DelBianco: The word - thank you. The word decisional participation is capital D capital P. And so I had - I thought it was very clear that the word decisional participant is the GNSO's appointed representative to the empowered community. That is the only thing a decisional participant could be. So everywhere there appears decisional participant I believe that's the empowered community.

There may still be other instances where it doesn't say the decisional participant. It just says ACs and SOs so you're right on. We may have other of those to deal with and I get that. But isn't decisional participant explicitly the GNSO representative to the EC?

Steve Metalitz: Okay. So if that's the case - and I'm sorry this is Steve again. If that's the case then you're saying 22.8 which is making a joint written certification from respective chairs of each such decisional participant that the constituents of such decisional participants have pursuant to the internal procedures of such

decisional participants determine as a credible allegation, et cetera, et cetera?

So if GNSO is going to sign on to a certification along with two other entities that are decisional participants that has to - that comes from the chair of the decisional from the GNSO but it's the constituents have determined that there's a credible allegation. So you - that decision you would put that in the second category as a yes, no decision that the GNSO has to make as a decision action available the empowered community? I'm just...

Steve DelBianco: Yes. Yes only because I see the word decisional participant and that is an artifact of only one entity called the empowered community.

Steve Metalitz: Okay. All right I think you're right about that. So that would go in the second category?

Steve DelBianco: I think you bring up a great point on the first category and we'll get to your just a second Ed. On the first category nomination I was attempting to say that that first category nomination were only those nominations that we make as resulting from the new bylaws knowing that there may be other kinds of nominations that GNSO and council may from time to time. Ed Morris?

Steve Metalitz: Right.

Ed Morris: Yes thanks Steve. Actually I actually agree with Steve Metalitz in that when we drafted this 22.7 and 22.8 I was actually involved in actually putting the language together at least making proposals. We specifically designed both these powers technically to be outside the empowered community. So let me just take both of them briefly.

On 22.7 for those who really don't know what was going on for you folks there weren't really involved in the CCWG or on the call this is a limited inspection right. It's not the DIDP. It's only for information related to the GNSO's role as

a part of the empowered community. But where it differs from some of the other decisions is we institute actions for documents through this separate right. In other - the chair has to make the request for documents.

We do not have to talk to any other decisional participant. It goes directly from us to ICANN itself. So that differentiates it a little bit from the other aspects of the empowered community. And why it's was specifically put in a different section of the bylaws and it's not part of the general empowered community rights 22.8 is a mixed bag because although we do have to act in concert with other SO ACs, other decisional participants we can institute this thing ourselves initially through ICANN.

We do not - we have to go and talk to others but there's going to be as I understand it and I looked at the bylaws and it doesn't say exactly what I understood it was supposed to be but it doesn't rule it out either is that we could institute the actions. There's going to be a lead decisional participant. And we can institute the action in conjunction and sign off with others but the 22.8 power we need to on the GNSO level make sure we have a way of starting the request for the independent investigation. In other words what separates these two from the others is these require instituting action at the council level if we're going to go that route or at the GNSO level. We have to determine who actually can request this to be begun. And in the case of 22.7 it really is not part of the community empowerment structure because we do - can do this independently of every other part of ICANN and every other part of the independent committee empowered community. Thanks.

Steve DelBianco: Ed when you on the last call added the third category of documents inspection and investigation rights were you specifically referring to 22.7a and 22.8?

Ed Morris: Twenty-two seven more than 22.8. Twenty-two eight is sort of a mixed bag in terms of where we should place it. Twenty-two- seven clearly is a different kettle of fish because it's a direct request from us from the GNSO to ICANN

without any relationship to any other member of the empowered community.
It's just outside the empowered community.

Steve DelBianco: Okay. The bylaws themselves in Section 6.1, the new bylaws define it this way. They say the empowered communities, the nonprofit associations formed in the state of California ASO, ccNSO, GNSO, ALAC and the GAC each is a decisional participant in quotes and collectively they're known as decisional participants. So as you say in the chat I believe it was you (Matt) that the decisional participants are the SOs and the ACs and where does this leave us if in fact it's a distinction, that the word decisional participant in many cases is exercising a power that's given to the empowered community because the empowered community is the only place that the word decisional participant is created. I realize that it doesn't necessarily have to be the designated representative to the empowered community but it's clear that the decisional participant is a word that only exists in the context of the new empowered community.

So I'm trying to understand if you're agreeing with Steve Metalitz what are the implications of suggesting that the decisional participant is somehow different than our representative to the empowered community who is supposed to provide whatever council told them to say, say vote yes of this decision or vote no and they pass that decision through to the empowered community. That's a representative to the empowered community and we have to actually designate an individual to be that person. That's a nomination and then from time to time we'll have to give that person instructions on what to say.

And that is those instructional resolutions in council would be the kinds of resolutions that are up for a yes, no vote for the purpose of giving instructions on participation. That kind of a construct would work for instructing them what to say about an investigation in 22.8 or a request to inspect the accounting books and records which is 20 27. So it might be a distinction without a difference. But please educate me if there's something more to that? Steve Metalitz?

Steve Metalitz: Yes this is Steve Metalitz. One difference is as you said in the - in most of the empowered community activities the GNSO acts through its designated representative to the decisional participants. But on 22.8 it has to act through its chair and it has to act based on what the constituents have decided using their own internal procedures. So that's - that is one difference. Our designated representative might not be the chair.

Steve DelBianco: And you're right, it might not be the chair but if the chair - so the representative would not be able to communicate a decision on 22.8. It would have to be the chair of GNSO council. I think that's your point?

Steve Metalitz: Yes. It would have to be the chair of the GNSO but...

Steve DelBianco: Well and we only have a GNSO Council vote at this point.

Steve Metalitz: I think the question remains and I don't want to split hairs about this, that's another type of decision that GNSO has to make. You know, do we think there's been a credible allegation or fraud, et cetera? I will say that is not - doesn't have anything to do with policy - necessarily have anything to do with the policy development process. It probably wouldn't in most cases. It actually tracks quite closely or more closely to some of the kinds of roles that the leadership of the constituencies and that the stakeholder groups have to play because they're the ones that have to manage the budgets of their constituencies or stakeholder groups.

And so they're the ones with the management function. The counselors have no management function. They just manage the PDP process. They don't manage an organization which the leadership does. So this is a good example in my view of the kind of decision that doesn't fit well with the GNSO council exercising this. But my point here is that it is another type of decision and I think I would tend to agree with you that it's we could put that in the - under the second bullet but it is not the same kind of decision and as Ed has

pointed out the inspection one it only involves the empowered - I'm not sure how it involves the empowered community. It's really an empowered SO. And SO is empowered to set this thing in motion to ask for documents.

Steve DelBianco: Thank you Steve. So I'll note that the word decisional participant while an artifact only of the empowered community could meet either of two things. There are some places where means the representative to the empowered community and there are other instances like 22.8 where the chair of the SO is the one who speaks for the decisional participant because the bylaws wrote it that way. In both cases we need to come up with a rule for how the GNSO instructs that individual whether it's the chair or the representative to the EC. Either way we need voting thresholds for how to instruct them.

And I think the other takeaway that we don't necessarily have to have as high a threshold to launch an investigation as we do for taking an action like blocking a budget or spilling the board. There are some particular empowered community powers that might deserve a higher threshold. And we could go right to that and start mapping it out but we still have to start to sort agreement out about exploring voting thresholds that deviate from the majority of each house. And we haven't done a straw poll on that yet today. We discussed it briefly on our last call and I actually prepared a table that I was hoping to display at some point in this call so we could get into what it would mean to move away from a majority of each house only for the purposes of these kinds of decisions. But let me stay with the queue and go to Ed Morris and then David.

Ed Morris: Thanks Steve, very briefly you can add 22.7 to 22.8 in terms of the bylaws specifically stating it's the chair of the decision participant, in other words the chair or however we designate it's the chair to the GNSO that makes the inspection request to the secretary of ICANN itself. So it is outside, particularly 22.7 really is outside the empowered community because although we're using the decisional participant classification to talk about the SO the fact is it's completely outside any other part of the community,

completely outside of relations with our SO ACs. And I will note that in the bylaw itself we've actually referenced Section 6333 of the California corporate code which is the membership inspection rights which when we were back in the membership mode would have gone down to the SO AC level which is what this is designed to do. Thanks.

Steve DelBianco: But Ed could you - couldn't you clarify that the empowered community is the sole designator, it is the entity that's acquiring these powers under California law and the bylaws seem to be that it's the decisional participants that end up being the entities that participate in that. So it strikes me that the empowered community organization identifies who may under California law do one of these request for documents inspection. Is that right?

Ed Morris: More or less. I mean the deal is decisional participant is a definition outside of any particular function. So we can have the decisional participant working outside of the empowered community format or inside it. In other words when we're dumping a board member we're obviously working with inside the empowered community. But when we're making a document request under the inspection right we're communicating directly with the secretary of ICANN and we have nothing to do with anyone else in the empowered community. So I would argue that this is a completely separate function. The only part of this which is part of the empowered community really isn't. It's the definition of who the decisional participant is which again it's not part of the function of the empowered community, it's part of the definition within the bylaws of what that means.

So it has nothing to do with the functions. It's more of a definitional category with indicates...

Steve DelBianco: Okay.

Ed Morris: ...that the inspection rights particularly as you can see really it doesn't belong in the empowered community itself. I mean this is something that was by design. It was designed...

Steve DelBianco: I understand.

Ed Morris: ...to rights outside of the empowered community so we could actually use Section 6333 which is a membership right. We ported the membership rights directly here. And the appeal function for the inspection right which I'm a little bit more familiar with are the IRP, it's the step process. And we would be doing that outside of the community as well if we were to have to appeal a decision of ICANN. We would not be involving the empowered community in making the appeal or going through the step processes.

Steve DelBianco: Can ask you a clarification question? There are ACs and SOs, at least ACs that are not part of the empowered community by their own decision. Therefore they do not have - they are not decisional participants and they do not have the rights in 22.7 and 22.8. Would you agree?

Ed Morris: Yes.

Steve DelBianco: Yes so again I have to say the decisional participant is an artifact of the empowered community. The powers that we're speaking of our reserved only to members of the empowered community and they're called decisional participants. And so we need within GNSO a mechanism to instruct them to vote yes or no on what - on whether to launch a document request under the powers that we have. The default rule in the bylaws today is a majority of each house that includes the NomCom reps for each to make that decision.

And so we could continue to deep dive on the subtle distinctions between some of the powers but if we are going to end up at the default rule we will have wasted a lot of time doing that. So we have to test the waters here. We have nine of us on this drafting team and we need a consensus. We have to

start to test the waters on something other than the default voting rule of a majority of each house since if we don't start to move towards a consensus on that then everything just goes to the default rule and we don't have to parse the differences between 20.8 and everything else in there. I'll stop there. Ed your hand's still up. Did you want to go on a little bit? David Maher go ahead.

David Maher: Yes, thank you. This is David Maher. In response to Steve Metalitz I've heard nothing yet that persuades me that departure from the default rule is supportable by this group. Thank you.

Steve DelBianco: David if I could on the last call after we moved to the scenario where counsel speaks for GNSO we had a pretty robust discussion of what kinds of voting thresholds would be appropriate for something like a nomination to the PTI liaison. And I realized that you did say that your preference was a majority of each house, we'll call that the default rule. But then we discussed and I actually suggested a majority of the participants on the last call were open to the idea of something like a majority of counselors if we addressed the waiting. So I'm not saying that we did a straw poll. We didn't do a vote but the discussion revealed quite a lot of open-mindedness to moving away from split house, the majority of each house or something like a nomination. Go ahead.

David Maher: David Maher. I can see some reason to discuss different voting levels provided it's the voting level by each house. But maintaining the principle of each house to me is of primary importance.

Steve DelBianco: All right David let's make sure that the staff would reflect that David is saying that even if it was not a majority threshold in each house that David's view is that it must still be voting rules apply to each house. Everyone's got that captured in the notes. That's right. But I don't agree with your observation that there was no support to continue discussing other means of determining the majority of council. I think it was more open than that.

David Maher: This is David Maher. I just said I've heard nothing.

Steve DelBianco: Okay I've got it. Matthew Shears?

Matthew Shears: Yes Steve can you hear me all right?

Steve DelBianco: We do.

Matthew Shears: Perfect. Thanks. I guess that coming in to the discussion I apologize that I missed the last call. I guess coming into this discussion now my feeling about this is that whether we call it the default rule or not that I think is pretty clear that for every one that tends to be the point of departure. We seem to be jumping right into the exceptions of - to the default rule. And I'm just wondering if we need to clarify and pursue what we believe the default rule is and where it applies first before we jump into the nitty-gritty of the exceptions. And I tend to agree with David. I think that inasmuch as it is possible it's desirable to imply the default rule I think that the less that we can change and bring exceptions to that probably the better at this point in time. Thanks.

Steve DelBianco: Matthew on the last call you may have missed this discussion but staff helped us to walk through the bylaws of ICANN. And this part of it was not affected in any way by the transition bylaws. In the bylaws it defines specific types of policy decisions and the thresholds that are necessary launching a PDP, approving a consensus policy, et cetera.

There are a whole series of about 14 different voting rules associated with policy. There's three new ones associated with launching sort of a non-policy general issue and then there's the default. So it falls at the very end of that list such that default is a majority of each house and it's meant to describe anything that's not covered in the list above.

So in the list above since it was written before we did the transition there's nothing about empowered community, nominations to the PTI. There's

nothing about it. So if we didn't do anything, if our group just quit the bylaws would use the default rule and council would speak for GNSO in a majority of each house on any resolution regarding the empowered community, document inspection and everything else. Since they are not described in the bylaws they fall to the default.

So our challenge is if we want to create something other than the default we can do so. It is within our charter to recommend to council if we can get a consensus here to recommend a different way the GNSO would vote on a nomination to PTI, recommend a different way out GNSO would launch an investigation under 22.7 or 22.8 or how GNSO would indicate its preference on whether to spill the board of directors. It is our option to insert that there. If we do not succeed at achieving consensus in that the default rule is already baked into the bylaws and that is what would happen. So Matthew with that long answer do - does it make sense to you?

Matthew Shears: Steve thanks. It absolutely makes sense to me and that is more or less what I understood. I guess I'm just reinforcing that notion that is a desirable state of play.

Steve DelBianco: Okay. On the last call we designed - we discussed ways where it may not be as desirable as you might imagine and let me give you an example. I put up on the screen a silly little Excel sheet I did that explains the way council is split today into two houses and each house gets on nominating committee representative, the NCA. Steve Metalitz, myself, several others on the last call are wondering why a NomCom rep who he has no consistency in GNSO would get any vote at all when GNSO was asked the question about spilling the board of directors. We acknowledged that the NomCom rep voting rolls were specifically created to break ties on policy decisions inside of GNSO Council. That's an artifact six years ago.

And I believe we had a pretty robust discussion about whether NomCom representatives would have any vote at all. And Ed Morris is the NomCom

nominee for this particular drafting team. So no disrespect Ed. This is all about whether the NomCom rep has anything to do with representing the interest of the GNSO.

So on the screen in front of you - and Matt is your hand up to weigh in at this point? Not hearing anything just put your hand up if you want to get back in the queue, anybody can. So all I did on the screen was I jumped into Excel and I laid out in the first column there is how it works today. And how it works today is there is one vote for each of these councilors. And I put the two NomCom reps in there so that's a total of 13 in the noncontract party house, a total of seven in the contract party house and that's 13 and seven or 20.

And under the default rule in the bylaws call a majority of each house right, you have to get four out of seven in the contract party house to get a majority and you have to get seven out of 13 in the noncontract party house. And because there's a split between registries and registrars the NomCom rep breaks the tie amongst registries and registrars.

And I guess there have been times with the Commercial Stakeholder Group and the Noncommercial Stakeholders Group don't see eye to eye and then the NomCom rep breaks that tie. That's happen less and less frequently lately. But it is a reality that a majority of each house rule puts the NomCom reps in an immensely powerful position and they have zero accountability to the SOs and ACs in GNSO.

I'm also a rapporteur on the SO AC Accountability Group in Workstream 2 and, you know, the streams haven't crossed yet. It's not as if we've merged these two. And I see far as the in the queue we haven't merged the two but the fact that accountability to the underlying SOs and ACs is essential to us. It's part of our bylaws. I don't know how we would have NomCom reps vote on a decision completely unrelated to policy. And that is where I put the two yellow columns that you have on the screen in front of you.

I said if you we were to move to a majority of councilors or 2/3 of counselors you would have to do two things. You would eliminate the NomCom reps and you would I think you would have to double the weight of the contract party house since they only have six individuals against 12 individuals on the other side. I know the weighted voting was anathema to us but we never really got rid of it. We never really got rid of it because we require majority of each house and the houses themselves are effectively the same thing as double voting.

This is our chance to balance things. And that was the term that David Maher used. You balance between contract and noncontract but you don't require that each side of that balance always have a majority. Majorities can be found many other ways and that is why I put those columns called test case A, B, C, D and you can come up with infinite test cases where majorities and even 2/3 majorities can be knit together among counselors without requiring majority of each house. So time for me to shut up and go to the queue. (Farzi)?

(Farzi Badi): Yes hi Steve thank you. So my question about the NomCom appointee would be that when we are saying that NomCom appointees they are to break tie that does mean that the NomCom appointee actually brings more balance to the decision. If that is the case then I would be concerned if we do not way the NomCom appointee vote. Thanks.

Steve DelBianco: (Farzi) the balance is the idea of seeing the contract parties and noncontract parties have equal votes. That's what balance is meant there. And I - even if you were to make the argument that NomCom is a balanced factor you're one of co-rapporteurs on SO and AC accountability and we will not pass the SO and AC accountability test if we try to suggest that NomCom reps speak for the SO and AC. That would just be my observation and Ed Morris?

Ed Morris: Yes hi. See I reached out to a few people since last week trying to figure out in my own mind what the NCAs are supposed to do. And I'm not getting consensus. I've talked to some folks on NomCom currently and in the past.

Some actually agree with your position or your view that they're just there to break ties. Others agree with our current NomCom appointees who I've spoken to two of the three and one of the incoming nonvoting NomComs who believe they're there to vote on behalf of the entire GNSO which I actually don't think in terms of the bylaws they're supposed to.

But so there's a variety of views as to what the NomCom is therefore. I still have not finalized my own view on the matter. I'm a bit confused both - I can argue both arguments with equal conviction. But the one thing I will point out is that the vote on council to approve whatever recommendation we come up with here will include NomCom votes. And I know at least the two voting NomCom members will vote against it if we wiped them completely off the board. That's just a practical political consideration folks may want to consider.

Steve DelBianco: Ed it's Steve. I think that once our drafting team once we have a consensus recommendation when it goes to council it falls into the default rules. So if council were to accept our recommendations they would end up doing so in a majority of each house.

Ed Morris: I believe we put a super majority provision in there. Staff can probably back me up or correct me on that.

Steve DelBianco: Yes I'm going to quickly check that on our original charter that came to us from council. And let's move on to David.

David Maher: Now I just want to say this is David Maher. I agree with Ed. I think that functionally NomCom participants is an open question. But I do believe that many of them do take account of the views of their group that they're connected with.

Steve DelBianco: When you said you agree with Ed, Ed was indicating he's uncertain about their role. What is your particular point about NomCom?

David Maher: Well I agree that it's uncertain. But I...

Steve DelBianco: Okay.

David Maher: ...take issue with what you have said about the NomComs being totally disconnected from the stakeholder groups. I don't think that's correct in the way the council's worked.

Steve DelBianco: So your personal experience is that they have been - they have endeavored to represent the interests of the entire GNSO or just the house they happen to be assigned to?

David Maher: They certainly take account of the views of the house they're assigned to.

Steve DelBianco: And you...

((Crosstalk))

David Maher: (Unintelligible) Registry Stakeholder Group.

Steve DelBianco: Okay. Okay let's make sure we note that. And thank you Ed Morris you were right. The Council resolution the last section said that when council weighs our recommendations that it requires a GNSO super majority. And then Steve Metalitz?

Steve Metalitz: Yes thank you. Just on this NCA question I'm sure, you know, based on my experience observing, not serving on the council but observing the council and through a dozen or so NomCom appointees sometimes what David says is true and sometimes it's not. And, you know, sometimes they take, they consult with the house where they're sitting and sometimes they don't. And either way it's kind of irrelevant. That's not accountability.

We had many discussions a year or two ago about what constitutes accountability. And I seem to recall we had a whole Cross Community Working Group on this question. And clearly one element of accountability is if you will the power to hire and fire. And nobody in the GNSO has the power to make somebody a NomCom appointee, no group in the GNSO has that power, no group in the GNSO has the power to recall or to divest them of that status. That's - it's not saying that they're isolated or bad or out of touch. They're not accountable.

And the only reason that we have them is because we have this practical problem of breaking a tie between sometimes very divided and balanced forces within a particular house. So I would agree with you Steve DelBianco that there's a big accountability issue here if the NCAs have a role in making the kinds - some of the kinds of decisions at least that we've been talking about here. Thanks.

Steve DelBianco: Thank you Steve. Ed Morris?

Ed Morris: Yes well Steve Metalitz if the NCA is not accountable because it can't be recalled I just get reelected to council. I can't be recalled for two years. There's nothing the NCSG can do to recall me for the next two years and I'm not eligible for reelection. I'm termed out. So if the NomComs are unaccountable I'm unaccountable. I don't think that NomComs are as unaccountable as I am to the people who pointed me. And there I believe at least according to the current NCSG appointee to NomCom they're pretty much selected on the basis of someone to take a general view of the goodness or the interests of the entire GNSO.

It's my view the NomComs if they are - if I'm accountable to the NCS G despite the fact there's no recall provision in the NomCom folks are accountable to the entire blue or to the NomCom committee that appointed them. They're accountable to somebody but they're - it's not just a question that they can't be recalled because I can't be recalled.

Steve Metalitz: Can I respond to that?

Steve DelBianco: Please do.

Steve Metalitz: If they're are only accountable to the Nominating Committee again they're not - that's not accountable to the GNSO. I mean they're GNSO people...

Steve DelBianco: Right.

Steve Metalitz: ...delegated to the Nominating Committee but they're in no way representing the GNOS. They're not a GNSO group.

Steve DelBianco: So, you know, the other point Ed is that, you know, the fundamental flaw you're not accountable because your stakeholder group has chosen not to make you accountable. They've chosen not to instruct you as to the positions you should take. No way to force them to do that. If they choose to waive accountability and say they don't really care if you're accountable or not or they're only going to care every two years that's their choice. But in my constituency...

Ed Morris: Steve there are many forms of accountability.

Steve Metalitz: In my constituency my councilors are accountable because if they defy the instructions of our, you know, they're bound to follow the instructions of the constituency that they represent.

Steve DelBianco: All right this discussion is revealing divided views on why we have NomCom voting reps, how they are accountable if at all, how do we measure their accountability to the GNSO relative to councilors who can't be recalled. And we could actually go quite a while on that question and yet if we end up without consensus in this group of doing something other than the default rule it's a moot point. So I actually went to the voting of NomCom reps because I

actually since we had good support on the last call of not having them vote. It's clear that there's a divided opinion on that.

So let's move on to another unresolved question which is the key one here and it's looking at test case A, B, C, D and E because if this group can't start to move towards consensus on something other than a majority of each house then there's no point in wasting time discussing whether the NomCom reps can vote. So what I put in these test cases was the understanding that you could achieve a majority or even a 2/3 majority of councilors. And by saying councilors I'm implying that I'm not counting the NomCom reps. In this particular version of the table it's easy to adjust the weight for NomComs back to one instead of zero here.

But what you see are just a handful - and there's practically an infinite number, not infinite but there are a lot of scenarios that would get you to majorities or even 2/3 majorities. I didn't want to use the word super majority because that's a defined term in each AC and SO.

What - I'd love to invite a discussion about the desirability of moving away from a majority of each house to a majority of councilors after waiting to retain the balance David Maher and Darcy. I want to make sure that you see that that's what the weight column is there for to retain the balance so that councilors can vote on a decision like spilling the board without assuming that it has to pass with the majority of each house. Can we have a discussion on that? Steve Metalitz please?

Steve Metalitz: Yes, thank you. I this chart is very useful and as you said there are a lot of other, you know, permutations that you could go through. One way to look at it might be to say how would the results be different here as compared to the status quo? So if you look at Test D let's assume, you know, well all right, this is to say this is a majority vote but obviously with slight changes you could make it a higher percentage. But so in Test D under this scenario 58% of the

votes are yes and so if yes only needs a majority or if they, you know, then yes passes.

Now in the current 0 under the default rule as you describe it the NC - the non-contracted party house a majority here is voting yes, I guess it's 8 to 4 and the contracted party house is split 6 to 6 or excuse me, is that right yes 6 to 6. So that would not result in a majority in both houses again if you take away the NomCom votes, the NomCom appointee votes here.

So it's worth just thinking about if you had this setting and maybe even Test E is a better example of it because there it's 10 to 2 on one side and it's still 6 to 6 on the other side. It's 2/3 if you just count the votes as you've done in this chart and yet in the status quo or in the default we would not have a yes vote as a result of this. Now I recognize that, you know, people's views of this inevitably are determined about whether they picture themselves being in a box with - it has a number here or it doesn't have a number. So in Test E I suppose a registrar in this example would be very happy to have this if they were opposed to something and even though by some measures a rather strong majority and even taking into account, you know, weighted voting supports it.

But that just may be 0 I'm just suggesting this as a way of evaluating this model. And then you could also use that you can throw back in the NCAs and see what difference that made or you could look at it even on a house by house basis in some ways. But I'm just suggesting this may be a useful way to think about this is to look at the results of these tests and other tests that we could devise come up with and compare them to what the result would be under the default, you know, majority of each house rule. Thanks.

Steve DelBianco: Yes Steve thank you for that. This is Steve DelBianco. Test Case E is probably one of many kind of glaring examples where a clear majority of GNSO wants a nominee or wants to exercise a decisional participant power but would be blocked under that. And you can always array it so that any one

group could block a majority of each house under a lot of different scenarios. So Steve hit the nail on the head. The weighted balanced majority scheme is designed to avoid problems where the majority can't prevail. Darcy you're next. Go ahead.

Darcy Southwell: Thanks Steve, Darcy Southwell for the record. So I guess when I look at this chart one of the things I see is this is representative of the SO ACs today. What's that going to look like in two years or even next year? What is to prevent new SO ACs from being developed that change these tests quite dramatically for both sides, I mean for the non-contracted party house as well as the contract party house? I mean I think if you add some SO ACs in here it just looks very, very different.

Steve DelBianco: Darcy could I ask you for clarification please? It's Steve. This is not - this is the SO and AC called the GNSO.

Darcy Southwell: Correct.

Steve DelBianco: So it would never be other SOs and ACs. Did you mean constituencies and stakeholder groups?

Darcy Southwell: Oh I - yes I guess maybe sorry. I - you're right. Yes so if you have another stakeholder group that comes in there as a member of either house that changes the distribution quite a bit.

Steve DelBianco: And Darcy you're right and of course and that would happen regardless of the new bylaws. And that would change things regardless of whether our drafting team ever existed. So you're right there's a risk that the admission of new stakeholder groups or constituencies in council will potentially affect, I said potentially affect the voting rules that we have.

And having said that though are you - we still have a charter to come up with a rule and my guess we can put in asterisk there. It's just like everything else

council votes on its subject to change I guess if there are new constituencies and stakeholder groups. But I don't want to cut you off there. Did you want to go further on that?

Darcy Southwell: No I appreciate what you're saying and yes I mean everything we're doing throughout this whole transition project is open for change over time. But it also makes me hesitant, it's one more reason I'm hesitant to move away from the majority of house rules because it almost in a way prompts the creation of stakeholder groups or constituency groups.

Steve DelBianco: So let me ask you this Darcy. If the brand registries decided to become a stakeholder group inside of the contract party house and we never did a transition, forget the transition just regular old council actions you'd have to put them up into that top and the concern you just raised of what happens to the voting thresholds would be just - it would be just as valid of a concern regardless of whether our drafting team ever existed. So all I'm suggesting is you bring up a good point but it's not actually a point that's relevant to the work we're doing. It's generally a relevant point. The new constituencies and stakeholder groups yes they can happen with or without the transition. Anything to follow-up on that Darcy?

Darcy Southwell: I disagree that it's not relevant. I think that setting up a system that is away from the house system that we have today and going to a per stakeholder group voting system almost or going even if it's granular per councilors who should be voting as directed by their stakeholder group you're almost encouraging the commitment or the creation of new stakeholder groups potentially packing it on one side or the other. That's all I'm suggesting.

Steve DelBianco: Okay thank you. And let's go to Ed Morris.

Ed Morris: Yes, hi thanks Steve. Provided we bake in the same balance of power, the same relative power, strength - ah, no sorry, the same relative strength to power that we have now between the stakeholder groups I really don't have a

problem with carrying down the house structures in the way that you've outlined there. We just need a saving clause somewhere in here stating that should there be a change in addition of a constituency for example in the Noncommercial Stakeholder Group should there be a third constituency their representatives per state would have to come out of the NCSG. In other words we would not add to the overall total.

But that's going to happen anyway. If we're going to use counsel as a basis whatever decision is made for representation on council would just be transposed into what we're doing here. So I'm not really concerned with what Darcy has brought up because the implications of a new stakeholder group for example would be far more than the empowered community. So I have no real problem with tearing down the houses in the way you suggested here as long as we maintain the role of the balance of power.

Steve DelBianco: Ed let's be sure that the record for this call never says that anybody is tearing down the houses. The houses are alive and well and won't be changed at all. We're simply saying that for a vote on things to do with the empowered community a different voting threshold would be used. The houses are still there. These houses exist for almost all of the work that council does so please don't let the record show that...

Ed Morris: For voting purposes in the new thresholds for the empowered community...

Steve DelBianco: Right.

Ed Morris: ...I do not object to a proposal such as that displayed is in the screen right now.

Steve DelBianco: Thank you. And let me ask you one more follow-up before we go to Steve and that is this Ed that I don't have a problem isn't what I call an endorsement. And it would be better to know whether for Steve Metalitz's point he indicates that Test Case E an outcome where the majority would not

prevail under the default voting rule but under this, for this scheme the majority, 2/3 majority of GNSO could prevail.

So it would be better to know whether you prefer this method as opposed to we just don't have a problem with it. If you can't say don't. But I'm just wondering if you'd go any further than saying I don't have a problem.

Ed Morris: No. At this point I don't have a problem with it. If a majority of my fellow members in the DT wanted this, I'm happy to go with it. If folks want to stick with the house structure I'm fine with that as well. But I certainly won't oppose this. I can see the merits but I also can see the merits of sticking with our current system because it's known, it's knowable and it's going to be less confusing as a councilor to know what the heck I'm voting under.

And I know that may sound crazy but the staff can tell you whenever we have a vote invariably one of us says what are the rules? And that's what...

Man: What are the rules?

Ed Morris: ...(unintelligible) structure we have now.

Steve DelBianco: Yes good point. Steve Metalitz please?

Steve Metalitz: Yes just two points. First to Ed's last comment, I've offered a proposal that would eliminate that confusion so I'm happy to go back to that. There would be no confusion among councilors about how to vote on this under my proposal. Second...

((Crosstalk))

Steve DelBianco: Could you elaborate on that?

Steve Metalitz: Yes because if these - these decisions are not properly made by the GNSO Council. They are made by the - properly made by the constituencies and stakeholders stakeholder groups that make up the GNSO. So, you know, each constituency we have to decide how it wanted to vote and how it wanted to construct its leadership but the councilors would not have be faced with this quandary.

Steve DelBianco: And the reason there's no quandary just to clarify for Ed is that council wouldn't even be involved...

Steve Metalitz: Right.

Steve DelBianco: ...If the GNSO, if we had a non-council GNSO structure. And this was covered I think by Steve on a previous call were I don't - I'm not sure that you were on it so I just wanted to comment on that for Ed. I'm sorry Steve, why don't you go ahead?

Steve Metalitz: Yes I really raise my hand just to say Darcy's right that if there were new stakeholder groups and constituencies that would, you know, re-scramble, could re-scramble things. This - that's not a new issue. It's ever since we've had this structure even before we had the structure that kept coming up. And interestingly since we've had this structure there have been no new constituencies and stakeholder groups.

And probably in my view the reason for that is there's so much of a vested interest in the status quo from those who feel that this is the right way to do things not just an expedience that was opposed upon us by the board seven or eight years ago but once you have those - that power you obviously don't want to give it up so you don't want it to be diluted. So for that reason there's an incentive not to have not to encourage new constituencies or stakeholder groups.

Again you could take this out of away from the vested interests and put it back with the actual participants in the GNSO and you perhaps avoid that problem. But I think Darcy's point is well taken that, that would create a lot of change but that change based on past experience and it could, you know, I don't know how likely that change is to happen. Thank you.

Steve DelBianco: Ed Morris, your hand's up?

Ed Morris: Yes Steve I'm a little bit confused. So if anything I said can be implied endorsement of a model that takes the votes away from council that's not what I intended to say. What I did intend to say was I could live with a voting model threshold model if you say as on the screen for votes within council under the empowered community. So when Steve is telling me oh we don't mean council at all no that's not what I'm endorsing. But what I'm willing to say is that it makes some sense to me looking at Test E to go to this model. I'd like to hear some arguments the other way but I certainly want to maintain votes themselves on council.

Steve DelBianco: Ed thanks for that question. And what Steve Metalitz was suggesting is that if you were trying to solve the problem of confusing voting rules for councilors you could return to a proposal Steve made two calls ago where councilors don't vote on it. In fact the stakeholder groups and constituencies simply communicate their decisions to the representative on the empowered community. And so that was a little bit of an aside because Steve was addressing the confused councilor problem.

I think you've got it right. What you have on the screen in front of you is our current scenario the one we're trying to figure out if there's support for which is keeping it with the council okay not with the underlying SGs and constituencies keep with the council but exploring whether we can come up with a better decision making method for the purposes of exercising the powers to the empowered community.

And so that's where it is relevant what you think about Test Case E. And I too would like to hear a discussion of pros and cons about using a majority or even a super majority of councilors instead of a majority of each house. And let's take that discussion for five more minutes and then we need to talk about our action plan going forward. All right not seeing a queue we have only – I'm sorry, go ahead David.

David Maher: I think we're overlooking the way that council votes in a variety of different situations. For – I'm looking at the chart of the voting thresholds. And in some cases what's required is 2/3 of both houses or more than 3/4 of one and 1/2 of another. Another possibility is a much lower threshold looking for an example here, 1/3 of both houses could initiate GNSO guidance process. So a majority of both houses is not always the case that's required. And I think we should consider that so long as we preserve the principle of the houses voting separately which to me is a fundamental issue of fairness and an issue that I think would never be abandoned by the council.

Steve DelBianco: David has brought up the GNSO guidance process. That's in the bylaws. It's Method Number 16. And it's - it was invented I believe a few years ago and we've never used it. It has different thresholds to initiate something. It's called a GGP. And I'll paste it into the chat so you'll see what it is. It certainly should be part of what we discuss this GGP as it may that - it may be something that's attractive to go towards. But it does preserve the house structure.

And it has an initiation and a rejection. And the approvals goes straight back to a GNSO super majority. So the whole value of this GNSO guidance process which none of us have ever used is that it seems attractive in the sense that it's something other than a majority of each house. It's a 1/3 of each house but that's not a decision of council that's simply to start a process.

And then to reject it is a super majority. So it ends up the GNSO guidance process doesn't get us very far because it goes straight to a GNSO super

majority to make any decisions any substantive decisions. It really isn't a substantive decision to simply get one started to initiate. That's the only place where it differs from super majority David. And your hand is still up. Did you want to weigh in on this?

David Maher: Well I've made my point which is still the issue on the fundamental fairness of preserving a two house system.

Steve DelBianco: Got it. All right I don't see other hands up. And we only have two more meetings until we are - have to get our report in. And so it's time to stop brainstorming and well actually start writing. And so that would mean that I will work with staff for a draft report in the next few days to say here's what we explored and here's where we've ended up because we -it's going to take us the next two calls to wordsmith our report to the council.

And it's going to be very challenging for that report to reflect broad support for deviating from the default threshold. I hoped to have, you know, broader participation. We have nine members on this drafting team in total. We have four, five, I guess we have seven on today's call which is pretty good seven of nine, can't complain about that. But if I asked for a show of hands from members here how many want to propose something other than a majority of each house for these kinds of decisions? And Steve Metalitz, your hands up?

Steve Metalitz: Yes, it was up before you said put your hand up for that proposition.

Steve DelBianco: That's right. That's why I called on you.

Steve Metalitz: Right, thank you. I just wanted to get back to what David Maher has been saying. I mean this - what's up on the screen here I think is one option that we should consider and again as I said play around with some different scenarios and see how they look and how they would differ from the default role.

The other point that, you know, if you look at the status quo because with a lot of things that don't have to do directly with the Empowered Community obviously but what's in the bylaws now you have two main thresholds one is the majority of each house and the other is super majority which applies to seven or eight things in this list or, you know, I haven't counted them but a lot of things that the GNSO does now the GNSO Council does now and it's defined as 2/3 of each house or 3/4 of one and a majority of the other.

I mean it's another - that's another alternative to look at. And so to kind to lay side by side with this one. And that's what I would hope we could do and maybe the staff could, you know, give us a few more permutations here or whatever or we could do it ourselves. But I hear what David is saying. And, you know, maybe we should look at both of those options. In other words what you have up here or the house or using the house structure. And again leaving aside the question of the NCAs and changing what the threshold would be. That's all I was suggesting. And we already have...

((Crosstalk))

Steve Metalitz: ...the PDP does it require something more than the majority of each house. And I would submit that some of the things it would do under the Empowered Community are probably a lot more significant than some of these.

Steve DelBianco: That's right. And I will send the Excel sheet that this screen came from. I will send that Excel sheet to each of you after the call so that if you wish you can play with it in different ways. But given that we only have two more calls and, you know, when we get to the end of September I will hope you will look back and say that we didn't take any more than ten or 12 hours of your life on this exercise. But I hope you'll also say that we were very open minded about exploring things like not using council.

We explored moving away from the default threshold, we looked at and considered whether NomCom reps, we've raised some fascinating questions

that are going to be part of this report. And I'm not going to suggest until we finish two more calls that I even know whether there's consensus support from this drafting team on what our report is going to say because even if our report ends up concluding no change I do need to get consensus support for a report that describes the things we discussed.

So I will look to Julie and staff to help do that. And I guess with only two calls left our next call has got to be one where we review our report or at least some of the call maybe the first 20 minutes and then return to the substance of recommendation the key part of the report that we're going to send over to Council. And that's where we have to start figuring out how close we are to a consensus among the nine drafting team members.

So that's just my guess about the way forward given the time that's available. But I am happy to entertain whatever you folks think is the right path forward. I'm just the chair here to serve you. If you have other ideas let's hear about them now. So when I speak about the report including things we considered we have a description of this table for instance would be in the report so that our colleagues and council would understand that we looked rather widely before we settled on something as the default.

All right not seeing any other comments I think we have a significant amount of writing to do. My guess is this will be a four or five page report. I'll work with Julie on the first draft. And my goal would be to get it to you prior to next Wednesday mornings call, Wednesday morning in the US so that there be a chance - oh gosh is it next Wednesday morning that we're meeting? Yes it is isn't it? Let me check something.

Yes next Wednesday morning 9:00 am Eastern Time would be our next call. So I would want to try to get -- thank you Julie -- I would want to try to get a draft to you at least 24 hours before that. And if it's only going to be four or five pages that'll be easy for you to get through them and flag things that are in accurate and then reserve at least 2/3 of our call.

Now (Farzi) to your point the test of the table are completely made up scenarios indicating to show that majorities and even super majorities can be achieved without requiring a majority of each house. That is all it is. So I - maybe that's the only explanation you think that we need is to explain that you're just using math how can you show that majorities and super majorities of GNSO Councilors would find out that their decisions were blocked or frustrated under a majority of each house rule? And that's what I'll put in there.

So if there's no other comments on this I think that somebody asked about changing to Thursday. That was you Matthew. Why don't you speak up on that and propose that. We'd have to check with everyone not just the folks on this call. Matthew? I don't want the call to end without discussing the schedule because the schedule is 9:00 am East Coast Time next Wednesday. To change that is an inconvenience and I apologize again for having to force the change today. The Work Stream 2 group...

Matthew Shears: No Steve that's...

Steve DelBianco: ...that Steve and I are part of also has a call on Thursday. So I'm conscious of other conflicts that we could be provoked but go ahead Matthew.

Matthew Shears: No that's fine Steve, I understand. I should be able to join next Wednesday. The following Wednesday probably not. But that's fine not to worry.

Steve DelBianco: Well thank you Matthew. If you know that in advance maybe our final call is one that we can do in Doodle Poll on. All right I'm looking at the queue and the chat. I don't see anything else. So I guess the next step is to try to draft a report on where we are so that we can try to get that done. I want to thank everybody especially staff for supporting us so far. I'm going to send I don't know that I can reach the list Julie. Is the DT list available for me to email directly or can only staff do that?

Julie Hedlund: Yes. This is Julie. You can - everybody on the list can email to the list.

Steve DelBianco: I have had mine rejected twice. So we'll find out. I'm going to send the Excel sheet to everyone right after this call.

Julie Hedlund: Okay thanks. And if for some reason it looks like it didn't get to your list I'll work with the secretary to find out what's going on.

Steve DelBianco: Wonderful. Hey thanks everyone.

Man: Thanks Steve.

Man: Thanks Steve.

Steve DelBianco: Bye now.

Woman: Thanks all. Have a good...

Woman: Thanks everyone.

Woman: ...morning. Thanks Bye-bye.

Michelle DeSmyter: Thank you again. The meeting has been adjourned. Operator, please stop the recordings and disconnect all remaining lines.

END