

**ICANN Transcription  
GNSO Bylaws Implementation Drafting Team  
Thursday 06 April 2017 at 1400 UTC**

Note: The following is the output of transcribing from an audio recording of GNSO Bylaws Implementation Drafting Team call on the Thursday 06 April 2017 at 14:00 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 found at:

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<https://audio.icann.org/gnso/gnso-bylaws-implementation-06apr17-en.mp3>

Coordinator: Recordings have started.

Michelle DeSmyter: Great. Thank you so much, Well good morning, good afternoon and good evening. Welcome to the GNSO Bylaws Implementation Drafting Team call on the 6th of April at 1400 UTC. On the call today we have Steve Metalitz, David Maher, Farzaneh Badii, Steve DelBianco, Wolf-Ulrich Knoben, and Erica Randall. We have apologies from Erika Mann, Julf Helsingius, Matthew Shears and Darcy Southwell, who will be joining later in the call.

From staff we have Marika Konings, Mary Wong, Glen de Saint Géry, Amr Elsadr, Julie Hedlund, Samantha Eisner and myself, Michelle DeSmyter. As a reminder to all, please state your name before speaking for transcription purposes. Thank you and I'll turn the call back over to you, Steve.

Steve DelBianco: Thanks. It's Steve DelBianco, Chair of our drafting team. And I'm pretty sure this will be our last session. Again, most of you were together when we were in Copenhagen. Steve Metalitz, I know that you couldn't be with us there. I

hope you're doing well. And, Farzi, you too were unable to be there in Copenhagen. But we had a very constructive meeting and nearly completed the list of open items. We have four left that we wanted to get through in the next hour. And I believe we can do that.

The four items are Items 37, 44, 45 and 46. I know it's a challenge to read it in the small Adobe but Marika circulated Word docs that are much easier for you to control on your own viewing. If anybody needs them, indicate in the chat and staff will resend those documents.

Very vague been with these four items that are left. What is this notion of an individual in the bylaws, that says an individual initiating a petition that rises up to the structure of constituencies and stakeholder groups and then makes its way to the AC and SO that's the decisional participant in the empowered community. So we will need to work out how each of the constituencies and stakeholder groups response to individual petitions and routes them up.

And then another set of discussions we will have is how does Council handle a petition that is duly processed by a constituency and stakeholder group? And then finally with respect to Board removal, whether it's NomComm, the two GNSO directors or the full Board, with respect to that determining the process by which GNSO makes its decision on a Board removal.

So that is a limited set of issues and I think if we stay, you know, disciplined about process we will probably be able to get through all four. Are there any other comments to open things up?

Okay great. Why don't we go right to Item 37, and it references the question of an individual petitioning for rejection of an ICANN budget or operating plan, which is the specific community power we created in the transitional bylaws.

I know that the bylaws declare the notion of a petition process of decisional participant received a rejection action petition. So the question that we have

in front of us is, given that the stakeholder groups and constituencies are the bylaws created members of GNSO, then those stakeholder groups and constituencies have to be the conduit to get to Council.

And what staff had pointed out to us is that we somehow needed standards for how the petition is raised in the GNSO. And I differed from that by suggesting that we had procedures by which stakeholder groups and constituencies, through their councilors on the GNSO Council, raised things as motions, and they get seconds. And the question would be cannot petition process be adequate? and if it is then it's just up to the stakeholder groups and constituencies on our own to work out how we instruct our councilors to raise the petition.

But there is no notion of an individual, a global citizen coming to Council as an individual petitioner, it's probably not relevant to this case, it's only the stakeholder groups and constituencies that are the appropriate members of the GNSO.

So, Marika, I want to be sure – hi, Lori Schulman. I want to be sure, Marika, that we understand the challenge in front of us on Item 37 is that standards are necessarily the case, it is simply a procedure. When I hear standards I think of the work that Lori Schulman's group did on good faith standards? and I don't believe that's what you mean by standards. You mean the process by which a petition is raised?

Marika Konings: Yes, this is Marika. I think that is correct. I think the one question, and I think you flagged it as well and actually probably looking more towards Sam as an expert on the bylaws here indeed is that definition as you describe it with the GNSO having, you know, members through constituencies and stakeholder groups needs that definition of an individual as is referenced in the bylaws.

And, you know, I don't have any specific opinion on one or the other. But I think that is indeed the crux of the question here whether that indeed aligns

or whether, you know, the intention is different; that an individual indeed is broader than, you know, members of the GNSO stakeholder groups and/or constituencies.

Sam Eisner: Marika, this is Sam. I might be able to help clarify a little further...

((Crosstalk))

Sam Eisner: ...too. So I think I agree with both of you. So the identification of the word "standards" didn't mean to reflect anything other than procedure. So should be some identification of how the GNSO expects to have that happen. And so if there is indeed that the GNSO expects to have those individual petitions raised within the stakeholder groups or constituencies and have those brought to Council, that's the type of thing that should be documented. But it doesn't require that there be a place in the GNSO Operating Procedures or otherwise that says here's how one person can bring something to the Council.

Steve DelBianco: Sam, this is Steve DelBianco. A question for you, as the other ACs and SOs are attempting to implement the empowered community for rejecting a budget, are they interpreting individual to be citizens of the world or members of their respective AC and SO?

Sam Eisner: I don't know universally how that is happening. I believe that in many of the groups they are looking at it from their own membership pool or those who normally come to them as opposed to giving a pass for anyone who might be interested anywhere in the global citizenry to come and raise it.

Steve DelBianco: Thank you, Sam. That's very consistent with the interpretation I had. And as a very active member of the CCWG that came up with this, it wasn't as if an individual could shop there petition idea, sorry, they could shop there petition idea to any AC and SO, but it would have to be a member of a AC and SO, that was part of the empowered community they would do their own

procedures, decide to advance that petition as an official member of that AC and SO.

Steve Metalitz, your hand is up.

Steve Metalitz: Yes, thank you. This is Steve Metalitz. Well the problem with what you just said, Steve, is that our SO has no individual members, no individual is a member of the GNSO.

Steve DelBianco: Of course not.

Steve Metalitz: So I get it that you don't want someone coming in off the street and trying to invoke this process here, but what I'm understanding here is that I know the decisional participants are gatekeepers to this petition process. You can't initiate a petition unless you are a decisional participant. I think that's correct anyway.

But are you suggesting that we have a second set of gatekeepers that you have to first, if someone has a problem they first have to come to the relevant, park that for a second, the relevant stakeholder group or constituency and persuade them to put something forward within the GNSO Council in order to invoke this process? is that what you're suggesting here or would there be some other method for doing this?

Steve DelBianco: Hi, Steve. It's Steve DelBianco. Good to hear your voice again.

Steve Metalitz: Thank you.

Steve DelBianco: That is exactly what I'm suggesting is that GNSO as a decisional participant has, by the charter or the bylaws, it has members and those are the constituencies or stakeholder groups. I know the fact that Council throws on a couple of NomComm appointees is an artifact of how Council votes. But they're not the same thing as members of GNSO.

So it's my notion that an individual could approach the BC, the IPC, and the NCUC, and if that individual convinced anyone that was a member of that constituency and stakeholder group that they needed to petition to block a budget, because that's what this particular power is about, then it would be up to the NCUC, the BC or the IPC, through their own decision-making processes, to decide whether they wanted to create a petition for this decisional action.

Now that petition then would have to make its way as a motion introduced that Council, and would certainly need a second or could never be approved by a majority of each house, so the motion would be considered just like any ordinary motion of Council and would require a majority of each house to say that Council, or GNSO in this case, GNSO is supporting a petition as a decisional participant to block the budget. Now how does that sound, Steve?

Steve Metalitz: Well, they just put an extra step in the process and therefore, you know, because there is a time limit here as I understand it. Well I'm not totally clear but I know it has to be, the decisional participant basically has to act by the 21st day after something was done. And this could be a budget or adoption of a standard bylaw as I understand.

So that means we have to go through quite a number of steps within 21 days. The individual approaches that SG or C, the SG or C does its process and decides to support that petition, they file a motion, and you know, then that whole set of procedures gets invoked. So it's hard to imagine that happening within 21 days, maybe it could be.

Steve DelBianco: Right, and so that constituency were stakeholder group who wants to mount the petition, it is up to each of us individually to have procedures that we do for circulating emails, seeking approval and moving things on. Each of us have our own charters. I just finished this process for the Work Stream 2. And each of our charters are different, and some are not even clear on the

process by which the NCUC or the BC decides to do something to the point of suggesting a motion.

And I don't believe, in response to Marika's question in the chat, I don't believe this should be a requirement. And for SGs and Cs to define a procedure for their respective members to request a petition because, Marika, I believe it's no different than a member of the BC saying to our leadership, that says to the members of the BC, I think we should comment on this public comment period. I think we should send a letter to the Board, here's I think a motion that we should introduce into Council.

Each of the constituencies and stakeholder groups, we do this every day, and the procedures that we each have that don't need to be specially crafted regarding Item Number 37. So unless I'm missing something that's legally required in the bylaws, it would be better if we allow the SGs and Cs through their own procedures to recognize an individual and to properly process a request.

But now let's get to the timing, and we began to discuss this in Copenhagen, even if the BC turned around a motion within 24 hours, so we are on Day 20 of Day 21, I really worry that Council itself, which has deadlines for notice of the motion and notice of the meetings, that Council itself could never convene in the ordinary fashion in time to consider that and debate on it and vote on it. So here's where we need to be creative, what can we do to expedite through Council to consider a motion that is pursuant to a petition like this so that we can actually turn it around in 21 days?

So why do we take a queue on that. It's hard for me to keep up with the chat as well, so if any of you have put something in the chat that's directly relevant to this please speak up so we can get it surfaced. And, Amr, you asked the question for individuals outside, our email addresses are published. And the list itself though is not accessible to every single individual on the planet. So I think within the BC if there was a business that happens not to be a member

of the BC, the only way they could get something into the BC list is to do it through a member of the BC or through an individual who has access to that list.

So I think that that individual will need to find out which group represents them. It could be that they are able to access ALAC, the At Large group, or NCUC. But, I don't know that each of us are going to write procedures to allow nonmembers to start a petition process. Steve Metalitz, your hand is up.

Steve Metalitz: Yes, Steve Metalitz again. Well, I guess I wonder, do we have to write this procedure now or do we simply have to say that there needs to be an expedited procedure for the Council to act on proposed petitions brought forward by an SG or C? And then, you know, or maybe say developer procedure that will enable action on this within let's say a seven day time period, because the total is 21 days.

Or do we have to actually devise that procedure? Because I'm not familiar enough with the existing procedures to know why to changes would need to be made for like a special case, for example this would pretty much have to be done by phone, obviously it wouldn't be an in person meeting, or maybe even by email polling or something like that, because it would be very hard to pull together a Council meeting even by phone on a very short notice.

So anyway I guess I'm wondering whether we have to spell that out in this document or we simply say one job is for the Council to adopt an expedited procedure to act on petitions that are brought to its by an SG or C, or more than one, during that time period. Thanks.

Steve DelBianco: Hey, thank you, Steve. It's Steve DelBianco. The discussion we had in Copenhagen answers to general question. While in Copenhagen, for instance, we were discussing a procedure by which document requests would be forwarded from a constituency or stakeholder group through to the empowered community administrative group. And we said why do we have in

the current GNSO procedures that would satisfy this rubberstamp notion that Council itself couldn't get in the way of a power that we had intended to be available to any constituency and stakeholder group?

So staff was really helpful with saying, well let's look at the consent agenda process and ask whether the consent agenda process gives us that conduit that we needed. And staff came back and said, well you have to do a few tweaks to that process. So let's all about the model here.

Let's first ask staff, what is the process to date by which Council can do expedited consideration of motions and calling of conference calls? And if staff comes back with a description that fits, we'll indicate that that's adequate. It isn't adequate, Steve, all we would need to do here today is describe the key features for how that procedure needs to be changed and then staff would come back in a staff report with specific changes to GNSO procedures for this expedited consideration of a Council motion.

And before I move onto Wolf-Ulrich, I would like staff to confirm whether what I just said makes sense. Okay, Wolf-Ulrich and then we're going to need, we have multiple people from staff weighing in in the chat. So we need somebody that speaks for staff, and I'm looking to Marika, to answer the question about whether there is an existing procedure for expedited consideration of motion and the convening of a Council vote and call.

And before you answer that, Marika, let me let Wolf-Ulrich put his question into the queue. Go ahead, Wolf-Ulrich.

Wolf-Ulrich Knoben: Yes, thanks, Steve. It's Wolf-Ulrich speaking. Well, just coming back to that question from Steve Metalitz and what you have said. I also raised this point with – it is necessary for this group, well, to work on this – on these procedures. I understand that all, let me say, all output of this drafting team with regards to GNSO procedures is going to be incorporated in the GNSO procedures then. And that would mean that for example, some things which

have not been – or that could not be detailed right now because of their complexity, should be taken into consideration by that team which is responsible for the GNSO procedures.

So we have this team which was former the SCI and is now the GNSO Review Team. That's one point. And I understand from former discussions on the SCI with regards to procedures, there shall be, there will be detailed questions about that as you already raised, some of them. And it needs time, well, to honor these questions.

And that comes to my last question, in this regard, are we in a hurry to come to a detailed procedure right now so as we are just starting this with all these processes. So I don't see the hurry of that at the time being. So I would prefer, well, just to set a frame, as you outlined, and starting to outline and then hand it over to the GNSO Review Team. Thanks.

Steve DelBianco: Thanks, Wolf-Ulrich. I believe that the time pressure is on for this group, the drafting team, to on this call, to conclude whether existing GNSO procedures would satisfy that we, as the group, believes delivers what the GNSO – I which should handle something like a rejection. If we don't believe existing procedures are adequate and we can't identify them, and we should indicate a high level the requirements were procedure. For instance, we may say that the 10 day period is too long for notification of a motion, and we are recommending it be five days or four days.

So we should have high-level recommendations that staff report will come back, and the staff report is the item that will be published for public comment. It's not just our drafting team report, that's a component of what staff will publish, but the public comment on this GNSO bylaws implementation will include a staff report which will put the meat on the bones of items that we think need to be further developed.

So that staff report could be the most significant level of detail on which public comment will be held. So I do think that with respect to timing, let's use this call, let's use the next 34 minutes if we can, to say whether we think there has to be a change to procedures. We don't have to detail what the new procedures are, Wolf-Ulrich, we just have to say that standard procedures for GNSO motions takes too long to fit within the 21-28 day window.

Marika.

Marika Konings: Yes, thank you, Steve. So this is Marika. So, yes, I think there are a number of procedures that are already available. Staff just needs a little bit more time to look at those especially with regard to timing to see if they may work or whether certain tweaks may need to be made. You know, one thing just on the top of my head could be indeed that maybe the Council just needs to schedule a number of meetings throughout the year they can be used for this purpose, but if no petition is available those meetings get canceled but at least they are on the schedule and notification and deadlines are in place.

But again, maybe allow us a bit of time to look at what is currently available, and noting as well, you know, the 28 day overall time period to see whether that fits within existing procedures or whether an alternative or tweaks need to be suggested to make sure that that fits.

And I just want to draw your attention, I don't know if you saw the comment that Sam posted in the chat which then goes to our previous conversation which seems to suggest that procedures will be required detailing how the petition process would work, because the bylaws I think specified specific elements that need to be made clear or communicated with regards to who can submit the process, how the decisional participant and determines whether or not to accept the petition. So there may be some work that is needed in that regard as well.

Steve DelBianco: Marika, it's Steve. I think that our team, and I'll ask the other members or on the called, I think that our team is clear that if the constituencies and stakeholder groups that themselves would determine whether a global citizen or individual has given them a petition they want to surface, and that the constituency and stakeholder group would introduce it as a Council motion, and that Council motion would need to be approved by a majority of each house.

However we believe that there is not enough time to get that done under the new bylaws requirement, so we are interested in suggestions for how to expedite that process so that it can be done. But we don't – I don't think any of us agreed that each constituency and stakeholder group or the GNSO in whole would need to delineate how an individual approaches the IPC as a member of the IPC and how the IPC considers whether it wants to introduce a motion for a rejection petition.

I know Sam is on the phone and not easily able to speak but, Sam, if you want to weigh in on that, I don't believe that our procedures need to dig down and tell the IPC how we considers petitions suggested by an IPC member. Sam Eisner, you're next.

Sam Eisner: Yes, thanks Steve. So I think that do the GNSO Operating Procedures need to say how someone would approach the IPC or the BC, for example? No. But I think that they do need to say that in order for a petition to be raised, that they would, that person would have to approach one of the constituent entities of the GNSO, and that I think when you look at the bylaws themselves, because they specify that there should be procedures identified about how an individual brings a petition, that then there would be a requirement to push to the entities within the GNSO to develop that documentation for each one.

Because that's the transparency part. How do people know how to get into the process? and so it doesn't have to be documented in the GNSO

Operating Procedures how an individual goes to each of the entities, but it has to be documented somewhere and that is the obligation on the decisional participant to make sure that that happens, so possibly there could be a recommendation or an outcome of this group that says okay, each SG and C, you need to think about how you are going to do that and create documentation of how that happens within your group.

Steve DelBianco: Thank you, Sam. This is Steve DelBianco. So I think we do agree that the GNSO procedures could shout out a transparent warning to say that if an individual wishes to GNSO to be a decisional participant to initiate a rejection action petition, that individual would need to communicate with individual members of the GNSO, which is the constituencies and stakeholder groups, and to convince that constituency or stakeholder group to introduce a proper motion for the rejection to be considered by Council pursuant to Council procedures.

So it is a matter of giving people a heads up that they need to run it through the constituencies and stakeholder groups. There is no direct channel for a global citizen to put a Council motion on the table. And if, Sam, if you don't have anything further, we go to Lori Schulman. And, Mary Wong, while we're waiting for Lori, Mary, we duly note that the community will have been aware of the need for a rejection. And our question is, with a 10 day notice period, sorry, a 10 day advance period for a motion, plus any meeting notice periods, we are asking staff to tell us whether you believe we can get a meeting convened so that Council could vote on the motion.

And we wouldn't want someone to be able to defer that Council vote, which is a typical custom that's done in Council today. So if I as the only constituency, the BC didn't like this rejection, the BC could ask for a deferral which eliminates the ability for GNSO to put a rejection in. So that's why these procedures have to be run through; it has to be a required consideration by Council, no deferral allowed, because that would blow it through the bylaws window of 21 days. And we want to be sure that we don't run afoul of

procedural concerns with respect to meeting notices, concerns about quorum, and concerns about advanced posting of a motion.

Lori Schulman. Lori, we're not able to hear you. Lori, type it into the chat if you don't mind because we're not able to hear you. So I kind of like to summarize it, Mary Wong is acknowledging and Sam Eisner checked the box, that we are recommending the GNSO procedures declare that individuals wishing to initiate a rejection action petition would need to approach a member of a constituency and stakeholder group and use that constituency stakeholder group procedures to form a proper motion for Council that would have to be duly seconded and considered by Council.

And we may require new procedures in GNSO for the expedited consideration of a motion without the ability to defer. So I would appreciate a check mark if the members of the drafting team would support what I just described as our instructions to staff. Fantastic. Wolf-Ulrich. David Maher, please, if you don't like it let us know. I mean, hit a negative sign or say something. Thank you, Wolf-Ulrich. David Maher, not hearing David. But we did get six yeses on this one.

So, staff, do we think – you can clear the Agrees now – but, staff, do you have instructions that are clear enough on that? I look for somebody from staff to speak to that. Thank you, Marika, appreciate that.

All right, we'll move onto the second, and see if we can get this done. The second one is Item 44, which is the new community power to remove a petition, sorry, a petition to remove a Nominating Committee director. And there are eight directors on the Board right now, which still boggles my mind, but eight directors on our Board come from the Nominating Committee. And the removal petition for that is, in many respects, very similar to the conversation we just had which was the rejection of a fundamental bylaw or rejection of, sorry, a rejection of a bylaws change or a rejection of a budget.

So the first thing I'd like to ask is do the members of the drafting team believe that the same procedure we just described for Item 37 could be copied for Item 44? Let's take that on board. And if there's any reason it could not be used, then let's hear about it now. Yes, good. I had a feeling about 44 would follow 37, they both have very similar notions about individuals getting things kicked off, running it through an AC, an SO through constituencies and stakeholder groups and having a 21 day period.

Okay, so I have a couple of hands up about whether Item 44 can follow 37. Steve Metalitz, you're first.

Steve Metalitz: Yes, this is Steve Metalitz. In general I agree with you, I guess I'm just not clear on whether this necessarily have the same time pressure because again, someone who is more familiar with this provision would have to enlighten me. But the one we just talked about is triggered by an external event, you know, ICANN Board approves a budget on X date or they approved a standard bylaw change on X date.

Whereas this, the timing is really in the hands of the petitioner, if you will, some person is serving as a Nominating Committee director and the individual decides that person should be removed, they can choose when to go to the, you know, approached a stakeholder group or constituency and try to get support for a removal petition.

So I agree that...

((Crosstalk))

Steve Metalitz: ...they start the clock, but I guess I'm saying they start the clock rather than the external action starts the clock. I don't know if that makes a difference. In general I agree with you.

Steve DelBianco: Got it, Steve. And this speaks specifically to that, if an individual approached the BC and said we need to remove a particular Nominating Committee Board director, and the BC agreed, then as soon as the BC convinced Council to say that we need a petition to remove that Board member, that starts the 21 day clock.

So the BC and that individual would have plenty of time to sort of sort out support and get Council to take it up in the ordinary course of business. But once they GNSO as a decisional participant started the petition process, I believe that's when the 21 day clock starts to tick. And I look for staff to verify that. So you're right, Steve, it's an external event of our own doing.

Steve Metalitz: Yes.

Steve DelBianco: To say, somebody in GNSO put in motion up, there's not a clock that starts until Council itself approves that motion.

((Crosstalk))

Steve Metalitz: I'm not sure that's right, Steve. This is Steve Metalitz. But at least, this is not the double gatekeeper problem, in other words in the timing. In the other one, in the previous example, you know, two gates had to be cleared within 21 days in order for – of an external event in order for the petition to go forward. Here only one has to be cleared within 21 days. You might spend a month convincing the BC that this director is so terrible, he or she should be removed, but only once the BC makes the motion, I would submit the 21 day period – and part of this is this tension about individual and so forth. But I'm just wondering whether in fact may be a little time pressure on this one. Thanks.

Steve DelBianco: Yes, Steve, I believe the 21 days starts after a decisional participant like GNSO has already approved its petition. So with the BC started it and it took two or three meetings to get Council to approve it by a majority of each

house, if Council then did approve it, then as soon as Council notifies the empowered community administrative committee that starts the 21 days.

It's not within Council that the 21 days, it's outside of Council. And during that 21 day period, we know that the decisional participant for GNSO is going to have to react to things that happen. I have to agree with you, that it doesn't have a 21 day clock inside of GNSO. So we might even be able to make Item 44 more simple than Item 37 in that regard.

Anything else, Steve, before we go on to Sam?

Steve Metalitz: Well, again, just looking at this Section 3.1B, you know, the decisional participant receives a petition, and then that sets the clock running because that is the Nominating Committee director removal petition date. And then the decisional participant has to accept or reject it. So I think there is a 21 day clock for the GNSO but it's just that it...

((Crosstalk))

Steve Metalitz: ...it doesn't start until the SG or C has already made it – said, yes, we want to put forward a petition or we want to forward Joe Blow's petition to remove the director.

Steve DelBianco: So, I'm reading 3.1B now as well, so to make sure I understand it better. Your point now is that if the Council itself, speaking for GNSO as the decisional participant, received a petition duly approved by the Business Constituency, but that alone starts the clock...

Steve Metalitz: Yes, which might be in the form of a motion I guess or whatever.

Steve DelBianco: Right. And a 21 day window for a motion could still run into procedural problems...

Steve Metalitz: Oh absolutely.

((Crosstalk))

Steve Metalitz: And your point about deferral is certainly – applies.

((Crosstalk))

Steve DelBianco: Right, right. So we still need to bake those protections in so that Council would have to take an up or down vote within the 21 day window. It couldn't be defeated by delay.

Steve Metalitz: Right.

Steve DelBianco: I guess is what I'm thinking. Great point, Steve. I appreciate that. Sam Eisner.

Sam Eisner: Thanks. I was typing some in the chat to concur with what Steve Metalitz's reading of the bylaws, the 21 day period does start from the moment that the petition is received into the GNSO out of whoever you are allowing to submit the petition. And then the other thing to recall is during the Board removal process on the NomComm, during that 21 day time period, there is also a requirement to convene discussion.

And so you'd want to consider not only the time frames within which the GNSO Council would take an action on the petition in the up or down vote but before doing that there has to be an allowance for a discussion period with the director at issue and the petitioner, etcetera, within that 21 day period.

Steve DelBianco: Got it. So the discussion requirement kicks off at the point at which, the Business Constituency through its procedures, decided to do a petition for a motion to remove a NomComm director, and that would be in the form of a motion before Council to start the Council machinery moving. We would need

to provide a procedure by which that kind of a petition could not be deferred on Council.

We would need to define a procedure in GNSO by which the Council consideration of that BC motion would include a discussion and presumably it would be a Council discussion that anyone in GNSO could listen to, a discussion with the particular director from the NomComm.

So we would need to write those procedures up. And ultimately at the end of that discussion if the GNSO constituency and stakeholder group continued to want to proceed with the petition they would ask Council to vote on it. And we have a threshold that we had come up with in our earlier – I don't recall was this one of the ones there was a majority of each house or was it a higher threshold, for this petition to move forward to the empowered community?

So while we are checking on that, it sounds like we do need clarity at the GNSO level describing the fact that an individual seeking a petition for removal would need to run it through the constituency and stakeholder group, the constituency or stakeholder group would use its documented procedures for consideration of that petition.

And if it resulted in a constituency and stakeholder group introducing a motion at Council then at that point the 21 day period begins and Council procedures would have to define a discussion period with the Board member being subject to the removal. And there could be no opportunity to defer or delay the motion in such a way that it would lie outside of the 21 day window.

And, Sam, your hand is up. Anything, Sam? Okay, thank you. So it's not an exact copy of Item 37, it is different than Item 37. But with Steve Metalitz's clarification, I think we have a plan to proceed here. Now Sam, what did you just say in the chat? Use standardized language for petition. Yes, you're right by using standardized language but look, since we are allowing the

constituencies and stakeholder groups to advance these petitions, that petitions are motions in the language of the GNSO.

The majority of drafting team members wanted Council to speak for GNSO, a petition must take the form of a motion. And it can have the word "petition" in it because ultimately it will be a petition to the other members of the empowered community. I get that. But it will have to take a form of a motion that works its way through the process of Council, and our procedures need to indicate room for discussion but not room for delay so that the 21 days can be done.

Is there anyone who has any objection to that instruction to staff coming from the drafting team? Yes, thank you Marika. A motion to initiate a petition is the right kind of language to use. Any objections to that summary and instructions to staff? Okay fantastic, thank you.

That's two down. The next one is Item 45. And Item 45 is the removal of one of the two directors on ICANN's Board that come from GNSO. And we're all aware that the bylaws themselves specifically delineate how the two houses of GNSO each get to select a director, and we're aware that there are procedures documented in GNSO for how the Registries and Registrars, that is the Contracted Party House, how they select their particular Board member.

I'm also painfully aware that the Non Contracted Party House doesn't have procedures. We started the intercessional in Iceland at working on those procedures but we're not there yet, and we're right in the middle of selecting our current director. So I understand that procedures are there for the selection of a Board member. So for Item 45, it's my opinion, Wolf-Ulrich had agreed, Steve Metalitz had agreed that the house who selected the Board member is in the house who decides to initiate a removal petition of its director.

Now some members of this drafting team, when we discussed this several months ago, believe that if the contracted parties wanted to remove their director, that their petition for that would still be subject to approval from the other side of GNSO, the other house. At the least three of us in the drafting team did not believe that was the case.

So that sort of old news right now, and let's find out what the drafting team believes today. Should the removal of the Contracted Party House Board member be subject to approval from the other side of GNSO? I'll take a queue on the. I had noted in the comments that we were split on this, and it was pretty clear down the middle. So it was Farzi, you're here, I believe it was the – I have to go back to the notes but I believe it was someone from the Non Commercial Stakeholder Group that thought the other house should be able to interfere with a petition to remove one side's director, do you happen to recall?

Go ahead, Farzi.

Farzaneh Badii: Hi, Steve. Thank you. Sorry, I have been kind of, well, I read the notes. I could not attend remotely. So I – so the thing is that I did when we are talking about the removal we are discussing whether the GNSO Council has to be involved with this or like both – so when we are talking about both house being involved for the removal?

Steve DelBianco: This is Item 45.

((Crosstalk))

Steve DelBianco: So the removal of the director for a single house. When we concluded on this in our report, the report that the drafting team approved and sent over for Item 45, here's what we said. The discussion whether the 3/4 threshold required in the bylaws should be applied across the Council or only in the house that nominated seems to be a bit vague because we had suggested,

the five drafting team members believe that voting would occur only in the house that nominated the director, while other drafting team members said the entire GNSO should vote on the discussion.

And the Commercial Stakeholder Group was unanimous in that it should only be a house that sent the director. And they actually believe that the Registrars and Registries were in the same place on that, so that's why I'm turning to you as the Non Commercial Stakeholder Group to see whether you want to continue to argue for that position or do we allow this drafting team to say that we have a majority recommendation that each house alone comes up with the 3/4 vote? So that's the item on the table.

I'd like to propose that the drafting team's recommendation removed the vagueness by saying the majority of the drafting team prefers that the house that named the director is authorized to vote by 3/4 of its councilors for that house to initiate a petition for removal of that director, and it would not be subject to delay or defeats by actions of the other house.

Farzi, did you want to comment on that?

Farzaneh Badii: Yes, so the other – so the other house will – so effectively we are not going to give the right to the other house to kind of vote on this and have – and participate in the decision for the removal? When you say GNSO you mean GNSO Council, right?

Steve DelBianco: No, no, sorry. This is a petition of removal of an ICANN Board of Directors member that was designated by the contracted parties, I think that's Seat 13 and Seat 14 is the non contracted party. So we're speaking of Board of Directors removal. And it was your group, I believe, who wanted the other house to have something to say about whether the house that named the director could remove the director.

You're in the minority on this and if you're not exactly certain of it, it may not have been a call in which you participated.

Farzaneh Badii: Okay so...

((Crosstalk))

Farzaneh Badii: I do remember. Okay. So yes, so I think we are still in the position that the other house should also be involved. And but this is like a minority position, as you're saying now?

Steve DelBianco: The drafting team has had several recommendations that were not consensus, they were not full consensus. And we would indicate in our report that a majority and this is one of those where we indicated the majority of the drafting team prefer that the house that named the director be able, through a 3/4 vote, to initiate a petition for recall and that it would not be subject to delay or interference or approval of the other house. And that is what I'm recommending staff implement through the draft report that they would circulate, they would circulate procedures for that.

And giving you a chance to speak about whether you want to reverse, sorry, whether you want to maintain that position that you think the other house should be able to approve it as well. Either way I think the majority is what it is, and I'll ask for another show of hands in just a moment to be sure that that's still where we are as a drafting team. Farzi.

((Crosstalk))

Farzaneh Badii: Yes, well so you are kind of – so, yes, I understand now. So yes, I do think that the other house should be involved. But then and I think we can just jot that down and if the majority thinks it should be otherwise then we can just go ahead and – sorry, there is like (unintelligible) here. So yes, and then we can just go ahead and finalize this as it took place then.

Steve DelBianco: Okay and this has a 21 day window similar to what we covered in Item 44 so we will need staff to describe procedures by which a consideration of, say, the contracted parties, to remove their director, that that could not be delayed outside of the window and that we are asking staff to suggest that a 3/4 approval of the councilors in the Contracted Party House would be sufficient for that petition to be approved by Council.

So that probably gets described in the Council procedures in the same way that we discussed the way that Council forwards the nomination of a director for Seat 13 and 14. And we did discuss this on the last call because the bylaws of ICANN describe the way the GNSO selects those two seats.

And I had asked how if the Council officially endorses the contract parties' member. And is this something that has a role for the consent agenda where we make sure that it's clear that if the contracted parties have a vote of 3/4 to remove their director that that can't be blocked and that Council then advances that in the empowered community as the decisional participant petition.

And, Wolf-Ulrich is pointing out the notion that they can file an opinion, the other house can file an opinion but shouldn't be a decisive role. And if you recall, Lori Schulman, as part of Work Stream 2 published standards, in this case I mean the word "standards" standards for good faith in the decision to remove a director. And I think those would apply here as well.

Sam Eisner.

Sam Eisner: Hi. Thanks, Steve. So there are a few different decisional points within this. And so of course there's the ability for a group to bring a petition, and I hear that because of the way the Council, or the GNSO selects the directors, clearly that's assigned to each house and so that petition for a particular director would have to be an issue within that particular house. Right?

Steve DelBianco: Yes, agreed.

Sam Eisner: And then there is a 21 day period and during that period there has to be again like the NomComm process, there has to be a discussion period which includes both the person bringing the petition, so it's always important to make sure that you have the individual bringing the petition noted any place that there's across because that impact some of the further conversations, but that's a separate issue.

And then also during a conversation period, one of the key people that's essential to that conversation under the bylaws is the person that is appointed to the EC administration from the GNSO. And so just to flag, there is a possibility that one of the people that might be participating in that conversation is from a different house than the house that brought up the petition.

Then, after that 21 day period, there's the votes on whether or not the petition goes forward into the more public discussions, the community process on it. And so then of course anyone can put in their discussion during that phase. And then there is the final decision point after that community comment period. And so there are really three different things or really two different times when the Council itself would be expected under the bylaws to take the vote of Council.

And so then it's, you know, then the question is would you require to go onto the consent agenda with no right of a refusal by the other house or that? But I think it's important on this one to remember there are multiple points, and across all the other ones there are also multiple points of decision. So probably want to make sure that you have those accounted for across and it's not just the initiation of a petition or the acceptance of a petition, but the ultimate decision on that action that's contemplated in the petition as well.

Steve DelBianco: That's great clarification, Sam. When you talk about the word "individual" picking up on what Mary Wong said in the chat, for this purpose the individual would go to the particular stakeholder groups, like Registrar or Registry, if they wanted to get rid of the Contracted Party House director. And that doesn't start the clock in this case because until the Registrars or Registries, because they are the members of the Contracted Party House, until they duly introduced a motion for petition to remove, to use Mary's vernacular, then that motion properly introduced before Council starts one of the periods within Council.

And we just want to clarify that the drafting team recommendation is that while all GNSO participants can participate in discussion, it is only the house whose director is at issue, and only that house can introduce a motion for removal, and only that house gets to vote on that motion within the 21 day window. And that vote is a 3/4 majority of that house, and the Council may not defer or defeat such a motion if it's duly approved by the 3/4.

And we do need your procedural assistance to accommodate a discussion period, right, accommodate a discussion period within that window. Go ahead.

Sam Eisner: Well I do have a concern though both on the NomComm and on this director removal process. There protections built in the bylaws about the point where the individual brings the petition. And so if now it's been – and I'm thinking through this event, and this might impact other parts of our conversation as well.

The point about that protection is that the moment this hits a discussion path, that someone says I want to take this director out, that there is an immediate requirement within a 21 day period to say that you bring the director in and you start having conversations with them. And so if there is an allowance for an undefined period of time within either of the houses to banter about about how they – whether they want to do it or not, it's kind of subverting a bit of the

intention of the by law that when someone – when the individual raises the petition, so when the person brings to light the fact that they want to challenge this, and I – the directors would then have a chance to participate in the discussion. And...

Steve DelBianco: Sam...

((Crosstalk))

Sam Eisner: ...this one you might want to look at...

((Crosstalk))

Steve DelBianco: Right, but, Sam, I believe that the drafting team is giving you a very clear view that for purposes of GNSO, the word “individual” is only one time where we instruct people that if you're an individual and you want the GNSO to do something you need to work through the constituencies and stakeholder groups and that's the disclosure part we agreed to earlier.

However, the word “individual” for purposes of starting any 21 day clock or requirement for conversation, that individual is a constituency were stakeholder group. I don't think any of us want to force a Board member into a discussion period. If a single human being simply is rattling the cage in the Business Constituency to remove our side's Board of Director member, because there may be no support within the BC for that. And it is over, right? And it is not necessary for I think to start a clock because one individual started an email string inside of the BC.

I believe that you need some individual action by constituency or stakeholder group to start a process for discussion and start the clock. So we might want to...

Sam Eisner: I understand that, Steve.

((Crosstalk))

Steve DelBianco: ...to trigger all that. Go ahead.

Sam Eisner: I'm just not sure that particularly in this frame of the Board removal process that allowing a full discussion at a point where there is no requirement for the Board to be involved actually meets the bylaws.

Steve DelBianco: All right, so we weren't saying a full discussion, because a full discussion would mean that the decision-makers are on the line. If you believe that the bylaws would require that the BC itself when it deliberates on whether to move ahead, if you believe that that starts the bylaws requirement for involvement, then if that's your opinion then we will honor what Legal's opinion is on that.

But our interpretation is that the constituencies and stakeholder groups are the first movers, and until they've moved there isn't any official trigger of a process. They haven't introduced a motion for petition, therefore it hasn't even satisfied the minimum level of support that merits a conversation with a Board member. That would be my interpretation but I'm anxious to hear other drafting team members too.

Steve Metalitz.

Steve Metalitz: Yes, this is Steve Metalitz. Steve, I agree with your interpretation. And I think in practice, you know, we have to be careful how you phrase these motions and so forth. And it maybe that in practice we would say, you know, the BC is bringing forth this motion on behalf of individual, you know, so-and-so but it's been approved by the BC and here's what we propose to petition for the removal of such and such director. So you might have to, you know, bring the individual in there.

I think what would normally happen in this case is the individual would bring this issue to the relevant constituency or stakeholder group, and there would be discussion and there. And, Sam, I don't understand, are you saying that the IPC could not hold a meeting to discuss whether we think that we want to support a petition to remove the Board member that we helped select because the Board member would not be present? I don't understand that interpretation at all.

That doesn't displace the need after a formal petition has been prepared and has been approved by the GNSO Council based on its procedures, which I think will – hope will provide for a vote only of the members of the affected house or of the selecting house. Then at that point of course there has to be this – during the 21 day period, the Board member has to be brought into it.

But I think in practice there will be ample discussions with a Board member but if the idea that we couldn't hold a meeting and discuss this within the IPC or any other stakeholder group, I don't see where you get that. Thank you.

Sam Eisner: This is...

Steve DelBianco: Yes, I agree with Steve. Back to you, Sam.

Sam Eisner: Yes, so, Steve, it's not about any individual discussion, right, there has to be the ability for someone to bring it to raise it to the level. But if what I'm hearing, based on our earlier conversation is, once the stakeholder group has said – or once the house has said that they want to remove the director, I think this needs to be plotted out more because what we can do is walk into a situation where we basically have a petition that cannot be rejected without having the time for conversation.

And that's one of the things I'm concerned, without seeing this line doubled more, is going on. And we want...

((Crosstalk))

Sam Eisner: And this is really important that we see, that we see and we understand what is required around the timing of the discussion at the various levels to track it to see if it actually meets the bylaws. So it's not at the first sign if an individual raises his hand...

Steve DelBianco: Right.

Sam Eisner: ...that the Board member has to be brought in, but there are protections built into this and we can't – and that was a really important part of this process for policy. And so we need to make sure...

Steve DelBianco: Yes, I agree.

Sam Eisner: ...we maintain those protections.

Steve DelBianco: Got it, Sam. And let's – so let's ask staff to do exactly what Sam said, to just lay this out in a horizontal timeline but the initial part of the timeline is an individual approaching a constituency or stakeholder group, there are internal discussions in that constituency or stakeholder group, and then at the point at which the stakeholder group introduces a motion for petition, to which house, I believe that that's the point you want to start the protections of participation and discussion of the Board member.

If not at the point which Council only voted by 3/4 to remove its director, that's too late, right? So the first point of discussion is an official recognition by the constituency or stakeholder group that it would like to introduce a motion for removal of its house director. So we could – I would propose that is when the Board member participates and we begin that clock.

How does that sound? Take a reaction to that. So it's not at the first conversation, and it's not at the point at which Council has already voted,

which I interpreted but maybe Steve was suggesting – Steve Metalitz was suggesting that, but in between. It's the point at which an official public motion has been introduced by the Business Constituency's councilor to say this is a motion for a petition to remove the Non Contracted Party House director, it must be approved by 3/4 of the Non Contracted Party House, according to the procedures in the GNSO procedures manual.

And to honor the bylaws participation and protection is now begins the period when that director can participate in the discussion and others can comment, and we under the good faith guidelines that are being developed in Work Stream 2. And you're right, Sam, we do understand that the decisional participant, the GNSO, and in this case the GNSO itself as the decisional participant, it will be discussing before the house director has its 3/4 vote. And I understand the rest of the Council can be on that call, they can participate in discussion, but ultimately it's the 3/4 of the house that named the director whose vote will be determinal.

And Sam is typing. And your hand is up, Sam, as well if you'd like to speak.

Sam Eisner: Sorry, that was an old hand. I think the other part of this is how does this fit in with the timeframe because if there's still only...

((Crosstalk))

Steve DelBianco: You brought that up earlier.

Sam Eisner: ...from the time of the petitioning and the bylaws initiates the conversation period to the end of the petition period where there's supposed to be a vote by the decisional participant, just something to keep in mind...

((Crosstalk))

Steve DelBianco: We fully – it's fully in mind, and if I didn't say it earlier, we are asking staff to carry over the discussion of timing that includes the opportunity for discussion, the proper notice of a motion, the proper notice of a GNSO meeting and the inability to differ and delay in a way that would have put it outside the 21 days. So we are agreeing that all that gets carried over onto Item 45.

But we are saying that the drafting team is clear that the clock doesn't start until the constituency and stakeholder group have officially introduced the proper motion for petition, that starts the clock, and that the vote will ultimately be 3/4 majority of the councilors on the house whose director is being up for removal. Are there any objections to that formulation by the members of the drafting team? Any objections or comments from the drafting team members are not? And I do you think the timeline, a little horizontal left to right timeline indicating who and what is the decision, would be really helpful too as part of the staff report that we put out.

I'm trying to get clarity on what the drafting team's recommendation is so that staff can respond. Does staff understand then what a decision is on that? Okay, fantastic. Thank you.

We only have one more left. It's Item 46, which is a full Board of Directors recall. It's Item 46, which is Section 3.3 of the bylaws. And again, this one also has a individual submitting a petition to a decisional participant. And here we're completely consistent, the drafting team would like that clarified in the GNSO's public procedures that any individual wishing to initiate any of these four kinds of petitions would have to run through the procedures of a constituency or stakeholder group within the GNSO. And the procedures could even list them with links to the particular email address of the chair, chair@bc, etcetera.

Then, the individual groups themselves would consider that petition, the constituency or stakeholder group like the BC, would consider that petition

through our own procedures. And if we decided to introduce a motion for a full Board recall, that motion being introduced is the first, let's make sure I'm looking at the procedures now to see whether there's a 21 day, yes, there is a 21 day clock. And that's a decisional participant that has received a recall petition.

So we believe that the Council, if it receives a Business Constituency motion, but that is the 3.3B event, when Council received a proper motion, approved by a constituency or stakeholder group, a motion for a petition to remove but that starts the 21 day. I'm trying to be consistent in any way I can, Sam, and Marika, by drawing the same trigger points throughout this process. We are trying to respect the fact that GNSO is a collection of named constituencies and stakeholder groups. And we are trying to suggest that the first official motion has to be, the first official point in the introduction of a proper motion.

And then we have the entire protection that a proper motion is not frustrated by a GNSO policy measure requiring X number of days for a notice of meeting, X number of days for a notice of a motion and the ability for a party to defer instead of actually decide. And those themes are consistent here. So let's take a queue to discuss the full Board recall, Item 3.3 in the bylaws, it's Item 46 on our list. Give everybody time to read that.

And this is the last item on our agenda today. When the drafting team decided on what to do for Item 46, will Board removal, we said it requires a GNSO super majority. And that was a consensus decision, noting that some of us didn't think Council should note, that was the majority view in the end. But we said that given that Council does this, it should be a GNSO super majority and the GNSO super majority is already a described threshold in the ICANN bylaws.

So we are not changing that, we are simply tagging that as the voting threshold for Council. The Council would need to hold that vote within 21 days of the point at which a constituency and stakeholder group properly

introduced a motion for petition. Thank you, Steve Metalitz. Are there any further comments on this one? Darcy? That's great, thank you.

Super majority of the Council. And since we had already recommended that, Darcy, mostly what staff is doing is questioning us about the point at which the clock starts, who is an individual, and that's really what Council is after. So we are – and Wolf-Ulrich, we agree completely, it is not an individual elected councilor, it's not Susan Kawaguchi, who happens to be our councilor in the BC, it would have to be the constituency and stakeholder group expressing approval for a motion and that motion then could be introduced by the councilor.

And Wolf-Ulrich's point is a key one that I hope staff can reflect in this and that all four of these items the constituencies and stakeholder groups are the ones who instruct their councilor to introduce a motion for petition X. And Wolf-Ulrich, needs to be a second by another Council member because that's part of Council procedures, the answer is yes. And if there's not a second, it's a pretty good point that it's not going to succeed.

We agree, Mary. And then we agree, Marika. And we are discussing the fact that a Council member can do so. But we would like these procedures to indicate that a constituency and stakeholder group reaches the decision to have a petition initiated through a motion and the councilor at that point is the conduit to introduce that motion.

The councilor is also then elevated to the role of arguing for the motion, other councilors will come up with objections to it. There would be a discussion back and forth, a Board member would be on the phone in the case of Board recall. So the councilors are fully in play at that point, but it needs to be a constituency and stakeholder group that kicks it off, not an individual councilor acting on their own.

I think you're right, Marika, we need to say a directed introduction of a motion. Farzi.

Farzaneh Badii: So I guess we are not talking about the internal procedures of the stakeholder groups then – because any councilor I'd say, based on the – in their internal procedure they can go to their stakeholder group and say we should do a – we should do a motion, I'd say. So that would depend on the internal stakeholder group's procedure. Just wanted to clarify this.

Steve DelBianco: Farzi, we – I believe the majority of this drafting team would say that how you start the discussion and conduct the discussion is completely up to you. But any motion introduced in Council by the NCUC, would have to a motion that was directed by the NCUC. It could not just the councilor themselves deciding on their own. It would have to be a directed motion to petition, since we need for the individual, for purposes of Council considering it, it has to be the constituency and stakeholder group; it can't just be the person who happens to be your elected councilor.

So does that clarify it, Farzi?

Farzaneh Badii: Yes. So – yes I understood that. And then when we say any SO – any stakeholder group or constituency that, again, depending on the stakeholder group internal procedure, the constituency, can either individually file the motion or goes through its own stakeholder group. So for example, NCUC doesn't have to go through NCSG to file the motion. But – to file the petition, but – or it can work individually.

Steve DelBianco: Well, it can never be individual and it should follow exactly the way the Council procedures allocate the Council seats to the constituencies and stakeholder groups. So we are trying to not change that at all, that if NCUC has two councilors then those are the councilor who would be properly directed to introduce a motion that NCUC wants to recall a Board member.

And so if that's – if NCSG is the way that the bylaws currently describe, and I have to confess, I'm not always certain and I am also aware that the NCSG and the NCUC don't often require directed voting, but it can be done, is drafting team is suggesting that it should be a directed vote; it may only be a directed vote for the purposes of these four petitions that we discussed today. Thank you, Farzi. Are there any objections to that procedure that we've described?

And again, the 21 day period kicks off at which point a properly introduced motion comes from a councilor who was directed to do so by its constituency and stakeholder group. Are there any other comments on the call? And the staff have any other questions for the drafting team? All right, hearing none, I'd like to thank staff and all the members for entering an extra 20 minutes on this call. I think it was worth it especially given the alternative of having to organize another call.

Marika, I take it that you'll summarized the conclusions of the drafting team and then begin to fashion the changes to your staff report? Go ahead, Marika.

Marika Konings: Yes, this is Marika. Correct, as I think there are a number of items were you asked us to go back and compare it back with suggestions, I think our first step would be indeed to come back and probably update the document that you see on the screen with, you know, a proposed change or response based on the conversation and based on our assessment of existing procedures and mechanisms or potential additions or tweaks to that.

And then maybe once we have your feedback on that, and that can be through the mailing list or whether you already want us to schedule another call, that's up to you to decide or to see how reactions are and determine whether a call is needed. But based on that feedback, and once there is indeed a common agreement or common viewpoint on how to move forward on those items, we can then indeed go ahead and update the staff report,

and then also start making indeed the proposed changes to the GNSO Operating Procedures and/or ICANN Bylaws, which then eventually will go out for public comment. Does that make sense?

Steve DelBianco: Marika, this is Steve DelBianco, that was exactly the plan that makes sense to me. Are there any other drafting team members who have concerns with that process? Wolf-Ulrich, your hand is up.

Wolf-Ulrich Knoblen: Thanks, Steve. Wolf-Ulrich speaking. Just a last comment to what Marika was saying. Well, I fully agree to that process. But in the end I understand that, you know, if after the GNSO procedures have been revised that is up to the Council, well, to move that forward. Is that correct, Marika? Because the Council..

((Crosstalk))

Steve DelBianco: There's a public comment period...

Wolf-Ulrich Knoblen: Yes.

Steve DelBianco: ...first.

Wolf-Ulrich Knoblen: Okay.

Steve DelBianco: And then, you're right...

((Crosstalk))

Steve DelBianco: ...you're exactly right, Council would have to approve.

Wolf-Ulrich Knoblen: ...back to the Council to decide, yes.

Steve DelBianco: That's right. That's right.

Wolf-Ulrich Knoben: Okay.

Steve DelBianco: So our drafting team has probably one more bite at this apple that when staff comes back with the timelines and interpretation of our wishes from this call, we'll quickly see whether drafting team members have any revisions to that. And I'm on the assumption that staff is able to come back with a plan that meets our recommendations, great, and staff may come back and say your recommendations don't make any sense, we need to have another call to work out some problems. Then we'll have to reconvene. But if we take a look at what comes back with the timelines and they all make sense, then we ask staff then to go to the public comment.

Now our drafting team report, the one we approved a while ago is something that's already an official document, but we have supplemented that report with clarifications. And staff will work with us to be sure that the drafting team that it's noted that the drafting team stayed engaged and answered implementation questions. And that those answers inform modifications that are reflected in the staff recommendations, staff report (unintelligible) call it recommendations, but it's the staff report. Okay? Wolf-Ulrich, everyone else? All right, thanks, everyone, for enduring such a long call. We'll wrap this up and see you again on the email list in a few days. Thank you.

Wolf-Ulrich Knoben: Thank you, bye.

END