

**Standing Committee on GNSO Improvements Implementation (SCI)
TRANSCRIPTION**

Wednesday 20 February 2013 at 2100 UTC

Note: The following is the output of transcribing from an audio recording of Standing Committee on GNSO Improvements Implementation (SCI) meeting on Wednesday 20 February 2013 at 2100 UTC

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<http://audio.icann.org/gns0/gns0-sci-20130220-en.mp3>

On page:<http://gns0.icann.org/calendar#feb>

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Attendees:

Ronald Andruff – Commercial and Business Users Constituency – Primary - chair

Anne Aikman-Scalese – IPC Primary

J. Scott Evans – IPC - Alternate

Avri Doria – Non Commercial SG – Primary – vice chair

Jennifer Wolfe – NCA primary

Thomas Rickert – NCA - Alternate

Amr Elsadr – NCUC – Alternate

Angie Graves - Commercial and Business Users Constituency – Alternate

Mary Wong – NCUC - Primary

Apologies :

Wolf-Ulrich Knoben – ISPCP – Primary

James Bladel – RrSG - Primary

Marika Konings

ICANN Staff:

Julie Hedlund

Nathalie Peregrine

Coordinator: Thank you for standing by. I'd like to remind all participants today's conference is being recorded. If you have any objections you may disconnect at this time. You may begin.

Nathalie Peregrine: Thank you very much, (Tonya). Good morning, good afternoon, good evening. This the SCI call on the 20th of February, 2013.

On the call today we have Ron Andruff, Amr Elsadr, Anne Aikman-Scalese, Thomas Rickert, Avri Doria and J. Scott Evans has joined the AC room. We have apologies from Wolf-Ulrich Knoben and Marika Konings. James Bladel maybe sends his apology; he might make it later on.

From staff we have Julie Hedlund and myself, Nathalie Peregrine.

I'd like to remind all participants to please...

Ron Andruff: Thank you.

Nathalie Peregrine: ...state their names before speaking for transcription purposes. And J. Scott Evans has just joined the audio bridge. Thank you very much and over to you, Ron.

Ron Andruff: Thank you very much, Nathalie and good afternoon, good evening, good morning to all who are attending the call today. It's very good to have you on the call and I much appreciate it.

We now have - I see J. Scott is also trying to get in and so I expect that we will pick up a couple of members as we go along. So I'd like to start the call as we often do with the statements of interest to ask if anyone has any changes to their statements of interest since we last met.

Hearing none I will go forward and put it into the record that there have been no changes to any of the SOIs by SCI committee members since the last call. Thank you.

Welcome J. Scott. I see you're on board now.

I wonder, Julie, we have the first order of business is the approval of the agenda. Is it possible to just pop back up before we get to this first document?

Julie Hedlund: It's actually up in the Adobe Connect room.

Ron Andruff: Maybe I need to refresh my screen.

Julie Hedlund: It's on the right hand...

((Crosstalk))

Ron Andruff: I think your pardon. Thank you very much. I'm reading from it and asking for it at the same time. Thank you. So does anyone have any comments or additions with regard to the agenda today? Hearing none we'll move forward with it. As we see it's quite a bit of work to get done in the one hour and we are now 4:09 according to my clock so we're a little behind schedule so we'll get after it posthaste.

The first item is the termination and suspension of a PDP. The document is now up on the screen in front of us. I want to commend everyone who's done the work on this to get to the point where at. And we've come now to the final point as I understand it. Marika posted just prior to this meeting or within the last day. And there was a comment by Anne just for a point of clarification. So, Anne, perhaps I can give you the floor.

Anne Aikman-Scalese: Yes, thanks very much, Ron. This is Anne with IPC. And I think, you know, Marika has done a great job with this. I only had one housekeeping comment which was that in the second line of the paragraph that's below Item 3 there is in the blue lettering, "Upon the recommendation of the PDP WG," I think that what Marika had advised that was that's all those references to WG should be changed to that PDP team.

So I asked Julie to verify that with her. But I think that that's supposed to, "Upon the recommendation of the PDP WG," should also be that PDP team based on everything else that's Marika did.

And then the only other thing that came up was when I had looked at Marika's revised language I was wondering where there is not a recommendation of the working group or team - there's a requirement that we have that the proposal to suspend or terminate go out for public comment.

And so I'm the one who added in this business about if there's a motion properly made and seconded to suspend or terminate. But Marika, I think, felt that that wasn't necessary in order to get anything out for public comment in the absence of a recommendation from the working group.

And so what I was trying to isolate here was once the procedural trigger that causes there to be an actual proposed termination or suspension. If it's not coming from the working group and if the item is supposed to go out for public comment what's the official procedural trigger that gets it sent out for public comment? Isn't that chair's discretion or is it - I mean, how is it determined that it needs, you know, that it will go out for public comment?

And that's the only reason that I brought up the issue of motion properly made and seconded that Marika had said that that wasn't the best mechanism to use.

Ron Andruff: Thank you, Anne. So there's really two points, one is the PDP working group or WG versus PDP team. And the second element is the one that's more of a trigger. I see both Julie and Avri coming up.

But I would just comment before I give the floor to them as I understand that PDP working group or PDP team I understood team was the broader view that may well be includes the GNSO Council and when we talk of the WG it's actually that the Council - the GNSO Council puts together a working group.

So that was my understanding so I'm not sure if in fact we should be getting consistent language...

((Crosstalk))

Anne Aikman-Scalese: Well, Ron, this is Anne again. I'm sorry, if I may comment on that?

Ron Andruff: Please.

Anne Aikman-Scalese: What Marika clarified - she did not make that distinction. She said that in the connection with the policy development process revisions for the manual that the term PDP team was used so that if it's so elected later on the GNSO Council could create a PDP team that was in a form other than the working group form and that it was intended to be a broader term and that therefore we should be using the term PDP team rather than PDP working group because that's what the new...

((Crosstalk))

Anne Aikman-Scalese: ...manual says.

Ron Andruff: Very good, that's helpful. And I recall that there was that discussion about leaving some leeway for that. So I see Avri but I also see Julie so perhaps I can turn to staff to respond to that first, Avri, and then come to you. Julie.

Julie Hedlund: Well just to concur on that first item that is Marika clarified PDP team is the correct terminology, the broader terminology as Anne noted as well. With respect to the second item the motion, whether or not there needs to be a motion properly made and seconded to suspend or terminate the PDP I see Avri has lowered her hand but I didn't know if Avri - ah, okay Avri's asking where is a PDP team defined? I'd have to look in this PDP manual to see where it is defined.

I think it is defined somewhere but that's a very good question and I'll check and make sure we can identify that.

Ron Andruff: Very good.

Julie Hedlund: And I - since Avri has lowered her hand I can speak to the - on the item with respect to whether or not there needs to be any action that occurs prior to the initiation of a comment period or putting something out for a public comment if I'm understanding Anne's question correctly.

And I think Marika pointed out on the list but just to reiterate any group or chair of a group can decide to put something out for public comment. It doesn't require a motion or action by the Council.

So, I mean, so the question of how do we know that, you know, that the, you know, looking back at Anne's message, how do we know that that GNSO intends to actually take a vote on the suspension before putting out something for public comment?

It's not a trigger for the public comment but let me just look back at this language. Anne, is your concern more that there needs to be a trigger for the suspension or termination? And I'm not sure if I'm following you and I've probably gotten muddled up here. And you've got your hand raised, Anne, so, please.

Ron Andruff: Anne, please go ahead.

Anne Aikman-Scalese: Yes, thanks. It's Anne with IPC. I think they understood, Julie, that when Marika said, you know, any group can put something out for public comment that the two situations here that lead into this language about the requirement for public comment are, you know, one, is that there's no working group formed or, two, that there's no recommendation from the working group.

And I wonder if working group should say PDP team again. Now I'm getting a little confused with the terms. But so when this situation there's nobody else who's going to be, you know, as a group saying we're putting this out for public comment because that GNSO Council does not have to put it out for public comment if there's a recommendation from the PDP working group.

But they do have to put it out for public comment under this language if there's no recommendation from the working group or if no working group has been formed. And so when we say well, any group can put things out for public comment for this clause applies there's no group to do that. So that was the issue I was trying to tackle asked to comment you know, who would take the decision this needs to go out for public comment in those situations.

Ron Andruff: So, Anne, thank you for that. I think that, you know, but I understood when we first started to drill down into this one the issue was really about whether there should be a report if we couldn't get - if there was a suspension or termination of any sort that there had to be some kind of a report that would go out to the community for transparency. Why was this suspended? Why did this stop?

Anne Aikman-Scalese: Right, that's all in there.

((Crosstalk))

Ron Andruff: That's right. So it was more about that that was the kernel that we were trying to get to. Now if I understand we've managed to master that. The question now comes is how do we - where is the trigger point to send this to a public comment? The question I'm wondering is, is there the idea then if they report comes out that automatically - it's a public comment or not a report, we are calling it a summary now, so a summary comes out and automatically we need a public comment on that...

((Crosstalk))

Anne Aikman-Scalese: No, no, no not at all, no. No.

Ron Andruff: Okay.

Anne Aikman-Scalese: No, where this came through was when J. Scott started doing some drafting and then Marika did some drafting and the whole notion of under what circumstances you would go out for public comment came in that process where both J. Scott and Marika were re-drafting.

And what it was - they determined was that if there was a recommendation from the working group to suspend or to terminate that you didn't need to send it out for public comment. But that if there was no recommendation from the working group to suspend or terminate or if they working group has not yet been formed that the Council should send it out for public comment.

So all we're trying to do here is identify, you know, when somebody - if there's no working group recommendation but somebody is proposing a termination or a suspension what is it that triggers that public comment on the proposed termination or suspension say, in the absence of a working group having been formed?

What's the mechanism, you know, does the chair do it alone, as a matter of discretion? Can any Council member on his own request or her own request cause it to be put out for public comment? I'm certainly not hung up on the motion made and seconded it's just what is the triggering mechanism that gets it out for public comment where there's no working group or no working group recommendation?

Ron Andruff: Thank you very much for that clarification. Do we have any other members of the committee that want to take a stab at this? And I'm wondering, Julie, if we might be able to scroll the page down and see is there anything of this with

disregard on the second page because there were two pages here if I'm not mistaken or is this just a single page document?

Julie Hedlund: It is a single page document, Ron.

Ron Andruff: It is a single page.

Julie Hedlund: This is Julie.

Ron Andruff: Okay, okay.

Julie Hedlund: One of the things that Marika had - Marika and I had talked about was that any Council member can request that something go out for public comment. And I thought this was addressed in the last - that the trigger was in the last sentence in the penultimate paragraph where it says, "The GNSO Council will publicly specify the reasons for the recommended action and will conduct a public comment forum on the proposed termination or suspension."

So there's...

((Crosstalk))

Anne Aikman-Scalese: You know what, if I may jump in here, Ron? I think that what Julie is pointing out would be the answer to this issue because rather than using my language about the proposed motion made and seconded if we simply put in the language that Julie mentioned which also appears at the very beginning of the last paragraph of that page so that it says, upon the request of any Council member that there will be, you know, the public comment period so that if there's no recommendation for proposed termination or suspension by the GNSO Council that a Council member has requested - a Council member has proposed to suspend or terminate the PDP prior to final report.

In other words put in the same mechanism they are to trigger the public comment that...

Ron Andruff: Sure. Sure, Anne. I think Julie may have captured it actually in the - look at the chat, "A public comment period will be initiated on the request of any Council member."

Anne Aikman-Scalese: Well, it's - in other words the language that's already there is...

Ron Andruff: Okay. Sufficient?

Anne Aikman-Scalese: If we start with that sentence, "In the event that no working group has been formed or there is no recommendation from the PDP team for a proposed termination or suspension by the GNSO Council but if any Council member has proposed to suspend or terminate the PDP prior to final report that GNSO Council will publicly specified the reasons and will conduct a public comment forum."

Ron Andruff: Hold that language. J. Scott, please.

J. Scott Evans: I just think we're over complicating this. I mean, I think that the language as written without Anne's additional language says that, you know, in the event there is no recommendation from that PDP team - and I'm not sure what's a working group and what's a PDP team - but there's no working group, there's no recommendation, the Council puts it out for public comment before they can have their vote on whether to suspend it. It says that. I don't understand where looking for here.

Anne Aikman-Scalese: Just that somebody has to propose that there be a suspension or termination otherwise quite as they go out for public comment?

J. Scott Evans: At some point it gets to where we're getting so granular, you know, it's like and it has to be done on blue paper, you know, this is not the Supreme Court

of the United States. I just think, you know, it goes - they need to know the rules and the rules...

((Crosstalk))

Anne Aikman-Scalese: Well exactly. They need to know the rules.

((Crosstalk))

Anne Aikman-Scalese: So - and I'm happy to take out that the language is motioned and seconded. That, again, I'm very happy to take that out. I mean, if everyone else is comfortable that the GNSO Council knows exactly when that they have to put this out for public comment then I'll certainly let it go.

Ron Andruff: Well here's what I would recommend having heard from everyone that we are now getting a little late on this particular discussion. So what I would recommend is let's get this any final cleaned up the document, in other words, Julie, if you could please take away all of the - give us a clean document and send it around to the list.

And if we can all agree on it's between now and the next call will send it back then to the Council. Because at this stage I think we're - I'm tending to agree with J. Scott that we're getting down into the very, very thin slices and with good reason because that's our job.

But I think we're probably pretty close on this one. So let's have a look at it in a clean format without any markup and we'll take it from there on the next call.

So I see that several members have joined a little bit late and you're all welcome. Angie, nice to see you on the call and also Mary, thank you very much.

At the top of this conversation I wanted to make mentioned that we have a new member, Amr Elsadr, who's joined the call and joined the team from NCUC. And I'd take this opportunity now that we have more members on the call to welcome him to our committee and we look forward to seeing his work over the weeks and months as we go forward. Clearly today will be his day to have an opportunity to listen and learn. So welcome, Amr.

Moving back to the agenda now we move onto resubmitting a motion. We had created a sub team on this to kind of work through the details of it. And I want to thank all of you that worked on the development of this. As I understand it it was Anne, Avri, Thomas and Mary, so thank you all very much for doing the work.

Which one of you four intrepid warriors would like to take us through what you submitted to us to the members on an email recently in terms of your conclusions?

Mary Wong: Ron, this is Mary.

Ron Andruff: Hi, Mary.

Mary Wong: Hi.

Ron Andruff: Please, go ahead.

Mary Wong: I see and Anne and probably Thomas on as well so Thomas certainly can correct me if I did anything wrong, so can Julie. But we have a call last week I think to work out a few possible options. And you see there are really two points.

First of all we wanted to clarify with the rest of the group that even though the Council request that came to us had a reference to conflicts of interest as well

as resubmitting a motion because there are some connections between the two.

But really our sub team was going to focus just on the question of resubmitting a motion independent of what happened at the last Council meeting.

Ron Andruff: Perfect.

Mary Wong: And as such the conflicts of interest issue is something that SCI has yet to tackle. So having discussed that we then look at some possible options. And Julie did a nice job of summing it all up.

We felt that the first option, leaving it up to the discretion of the chair of the GNSO Council, was unlikely to get consensus even among the SCI. So we started to look at other options which you basically see as 2b in the document there.

And we agreed that there should be criteria that are fairly high standard type criteria. And so you've got the four various possible steps there. The one thing that I want to highlight instead of reading it through that is we thought that if a motion is resubmitted, right, and having gone through the steps, it would first have to follow the procedural rules for every motion. So it's got to be published at least eight days in advance.

We assumed that it would then be put on the consent agenda for the next GNSO Council meeting but at that point following the Council rules on consent agenda is any councilor from any group objected to not just the substance - not even the substance of the motion, right, but the fact that the motion has been resubmitted that that gets taken off the consent agenda and gets discussed as a separate item at the Council.

In other words the resubmission itself gets discussed before the Council moves to discuss the substance of the motion. And we models that onto things, first the consent agenda rules and secondly, a vague analogy to the friendly versus unfriendly amendments where if one amendment is viewed as unfriendly that that gets voted on first before the actual motion is voted on.

I hope that's clear to most folks. And if Thomas wants to add anything. But that was our thinking and that resulted in this suggestion that we are submitting to the rest of the SCI for discussion.

Ron Andruff: Thank you very much, Mary. Thomas - or I see in the notes you have nothing to add so you've done a fine job of summarizing. For myself and others who aren't clear about the consent agenda I'm just wondering why this would find its way onto a consent agenda because as we've seen it's been a thorny issue.

So could someone share the light - some light on why it would find its way automatically onto the consent agenda?

Mary Wong: Ron, this is Mary again. And I should have probably clarified that first off. And it again has to do with the difference between the act of resubmitting a motion and the actual substantive discussion and vote on the motion. So the consent agenda would simply say this motion has been resubmitted, are we okay with that?

And if nobody objects the resubmission goes through and then the motion itself can be discussed and voted on as part of the meeting. Does that make sense?

Ron Andruff: So that...

((Crosstalk))

Ron Andruff: ...that's a two-step process then.

Mary Wong: Yeah, so we want to provide a sort of additional step/safeguard on the resubmission process itself to allow a councilor from any stakeholder group if they have problems with the motion being resubmitted to have a chance to raise it before the motion itself gets discussed.

Ron Andruff: J. Scott, I see that you have made a note - excuse me, Mary, J. Scott, would you please take the floor?

J. Scott Evans: Yeah. I think that when you say things like there's been a change in circumstance that merits the resubmission of emotion you're just asking for people to argue about that. I think it would be easier to say something like (unintelligible) blah, blah, blah along with your justification for resubmission or your reasoning for resubmission.

And then when the discussion comes up people can decide whether that's sufficient reasoning. When you put things like change in circumstances that merits that's just a bunch of stuff for lawyers to argue about. I think it's up to you explain why you want to resubmit this and your justification for doing so, okay, they do it.

Now everyone can have a discussion at the Council level of whether that merits it being reconsidered but you haven't given it some sort of defined terminology that people want to argue over.

Ron Andruff: Recommendations? Can we sharpen that up?

J. Scott Evans: Mine would just say set out one or more - (unintelligible) resubmitted motion as of the deadline for submission of motions along with a clear explanation of your - of the reasoning for resubmitting the motion and just strike one.

Ron Andruff: Thank you, J. Scott. Mary, I see your hand is up.

Mary Wong: Yes, and, you know, we really didn't get very far down the discussion of a change of circumstances, I mean, for precisely that reason but because that had been suggested I think in prior email exchanges possibly even by myself. We felt that we wanted to at least put that on the table for this group to consider.

I can't speak for the rest of this group but I would think that what J. Scott is suggesting this is something that's pretty close to what the rest of the group would be thinking about anyway. So I personally don't have an objection to that.

I think, you know, it captures the sense and it's similar to what we have as, you know, Number 3 there that there had to be a seconder from each house and it still goes to you can't just resubmit a motion because you feel like it or because, you know, somebody said oh, you know, we didn't do the right thing the last time or something like that so that's the idea.

And so if you require a seconder from each house to show that there is support and secondly what J. Scott suggested that there is a requirement that there is a description of the reason for the resubmission. I would be okay with that.

Ron Andruff: Excellent thank you. Avri, please go ahead.

Avri Doria: Thank you. So basically we're proposing that it's anyone for any reason can bring a motion to say I would like to vote on this again? I don't know are these reasons cumulative? Do they have to also do that eight days in advance or is it sufficient to do that in the very meeting where it happened or are these a set of - you know, cumulative?

Now it says set one or more so it could be just enough that someone says I want to because that's whatever including the phase of the moon. And as

long as there's someone from each house willing to second that then it goes on for a vote? Is - am I understanding you correctly?

Mary Wong: So this is Mary again. And, Avri, I think that the hypothetical you suggested - hopefully it doesn't happen. But my view is that it is cumulative in the sense that all that stuff has to be disclosed and published eight days prior to the Council meeting. In other words somebody can't just pop up during a Council meeting and say oh here's the reason. So that would be my view.

And I think the other point that we discussed briefly at least was at some point one has to leave these matters to hopefully the best judgment of the councilors and that there would not be frivolous or vexatious or and knowing attempts to delay a process or to game the system as it were.

We simply couldn't figure out an alternative way in the time given to us that would address all of these possibilities. But we thought that this would be at least a good starting point. And cumulatively in my view would work as a starting point anyway.

Avri Doria: Okay, if I can? So it's cumulative of one plus two plus three. Four is something different or - I'm - or is four also part of this same cumulative package? In which case I'm still - and I apologize, I was supposed to be in the group and didn't participate. But I guess I don't understand how it works.

Mary Wong: And again, you know, Thomas or someone...

Ron Andruff: Let me take a shot. This is Ron. Let me take a shot at...

((Crosstalk))

Ron Andruff: ...how I understand it and then maybe see if we can get everyone looking at the same understanding. I understand this that when we're talking about - specifically about option number two, possible options for addressing

resubmission would be, one, leave it to the discretion of the chair or the other option would be to set high level criteria.

And that high level criteria then, in my view, I think - it says one or more - I would certainly favor to - at least to the level criteria must be satisfied. And change in circumstance does need to be a little bit tightened up, I agree with J. Scott on that language.

But then the second - then after that would be you would have to publish this text for the resubmitted motion in the standard program, eight days before the Council meeting.

And then 3 and 4 come together for me. So correct me if I'm wrong, Mary, but 3 and 4 basically the seconder of the motion (unintelligible) prerequisite and to get it on the consent agenda and then to move it from the consent agenda to an actual vote needs a second activity so three and four for me are kind of 3.1, 3.2. Do I have the right understanding, Mary or Thomas? I see your hand up, please go ahead.

Thomas Rickert: I think the idea behind it was that if - you need to have the seconder from each house.

Ron Andruff: Right.

Thomas Rickert: And after certainly having published your reasoning for it eight days prior to the Council meeting that would be the deadline for all motions. And the nice thing about the consent agenda is that whenever a councilor has difficulties with dealing with something on the consent agenda which means that there is no proper discussion on it then we moved to four.

So two things can happen, either it is left on the consent agenda and everybody says it's okay. And then chances are quite good that the whole Council supports the idea that is obviously shared by at least one councilor in

each house that has supported the resubmission of the motion that the case has merit. And then actually the motion can be voted upon.

But if there is an issue with it, if one councilor thinks that, you know, the resubmission is that vexatious or that it doesn't have merit then we come to four and the councilor can ask for that resubmission itself, which is not the resubmitted motion but ask for the resubmission to be discussed outside the consent agenda. And that will open the floor for all councilors to exchange views and discuss the merits of the case.

And only if that vote passes then the resubmitted motion will be deliberated and voted upon.

Ron Andruff: Thank you, Thomas. Anne, I see your hand up.

Anne Aikman-Scalese: Yes, thank you, Ron. I did want to note based on earlier comment about 2a that I think, you know, Thomas and Mary were both just, you know, fairly reflecting a comment previously made by J. Scott that in his view that this should be left up to the discretion of the chair.

The only reason I mentioned that is that I do not actually have direct input yet on this topic from the IPC or IPC leadership and so I do need to leave it open with respect to whether, you know, the IPC would look at this as something that needs to be left up to the discretion of the chair.

However, looking at the alternative here, 2b, to me personally it seems reasonable the requirement for change in circumstance as modified by J. Scott's comments and also the published the text, you know, eight days prior to the next Council meeting.

I would not recommend to IPC in seeking direction from leadership that they go along with Requirement 3 because I think that requirement is politically too charged. In other words that it would be too tempting for someone in the

other house to base their decision not on whether the, you know, there was really a change in circumstances but on what their original vote in connection with the merits of the matter had been. You know, that that would be too - possibly too big of a temptation.

Ron Andruff: Thank you very much, Anne. All those comments - every one were well taken. I'm going to recommend that what we might do - as this is very fresh - take it back to our constituencies or our stakeholder groups in which case they can have a look at this and give some feedback.

I know for myself I would be very happy to send this to my ExComm and let the - our councilors and our chair and others kind of weigh in on this thought would they feel would be a most appropriate way.

So if everyone agrees with that what I will do is take this work from the subgroup and thank you for having put it together, we'll send it out to - I recommend we send it out to our various constituencies and get some feedback so when we come back to our next call we might even have some documentation in the meantime where we can add comments and add thoughts to this on the list. And hopefully we can drill down a little deeper on it when we get back to our next call.

I see Anne agrees with me. Anyone else disagree? Excellent, so that's what we'll do with this resubmitting a motion. J. Scott, I see your hand, please, go ahead. Oh, you agree. Thank you very much.

All right so then we'll take that action and we'll move on now to the next item on the agenda and it's the charter revision drafting team. To give some background to this I had spoken a couple of meetings back that when I took over for the chair responsibilities I went back and reviewed the charter for the SCI and found that there was a number of issues that were old and outdated that really had no reference to - or relevance to what we are doing here today.

So our time is up according to the clock if I could just get rid of that.

I'm coming back to the comment that there was references in the charter that don't reflect where we are today. And every charter needs to be a living document that is reflective of the circumstances of the day.

So what I wanted to do was to create a small sub team that would do just as our team did on this motion issue, go back and kind of look at the changes and make some recommendations to the SCI as a whole.

I've heard from a number of people, and in fact Avri shared I think on the first call that she would be interested in being on that team. Not to put you into it, Avri, this is an open call. But I have heard from Angie Graves and James Bladel and J. Scott independently that they would be interested in working on that.

So I just wanted to ask if in fact those on the call, Angie, I see J. Scott, Avri, and James - I don't know if he's had a chance to join or not - if that would make sense?

So I'm waiting to hear from - J. Scott's in. Thank you very much. Angie, can you confirm? Thank you very much. Avri? Wonderful, thank you very much. And so I will leave it to the four of you to get with Julie to set the call in to discuss the charter. And thank you very much for stepping up and doing that charter review. It's important that we do this regularly and this is a good time for us to do it.

Moving on then we now move to actions on the working group survey. The survey, as we recall, was developed so that we could gather information from the working groups to see if in fact we, as an organization, or using the working groups effectively and that there's good communication between the

GNSO Council and their instruction to the working group and so forth. And that document set that out.

I think most of us have gone and gone through that document ourselves. And there were a number of comments that came back from those of us on the SCI with regard to that document. I'm not sure, Julie, if you have the document you could post right now, the summary of the survey if that's at hand?

Julie Hedlund: Hi, this is Julie. I actually do not have it loaded. I have to confess I'm a little bit confused though because the summary actually - and the comments in the summary - are not about the survey. The comments in the summary are about the Working Group Guidelines and things that they should include or not include.

For instance there were comments relating to whether or not there should be more language in the Guidelines relating to conflicts of interest or something, you know, related to statements of interest; I don't have them all in front of me.

But so my question is that I thought what this group was going to consider doing next was whether or not to put that survey out to a larger group to see if there were any questions about whether or not the questions in the survey itself were suitable.

Ron Andruff: Yeah, thank you, Julie.

((Crosstalk))

Ron Andruff: In fact that...

((Crosstalk))

Julie Hedlund: ...ready for a group to use perhaps as a - I think like IRTP-C was a suggestion that was made.

Ron Andruff: Thank you for that. Sorry to interrupt you. I was under that understanding myself when I first - when they first came on the table and I had pushed for as many members as possible of the committee to go and test it themselves and get a feel for it.

And I was actually making a statement that we should just send it on because none of us had any pushback on that. But then when I went back and looked at the various comments I realized there was more discussion to be had and I apologized to the committee.

So I think what - if it's not at hand right now please let's get it organized. And we'll move this action item up further on the top of the agenda for our next call so that we can look at those points and discuss it in more detail.

Julie Hedlund: But I'm still not understanding - this is Julie Hedlund - I'm still not understanding, Ron, the summary is a summary of the comments that people provided when they took the survey. The comments related to the Working Group Guidelines and what should be changed in the Working Group Guidelines because of course that's what the survey was asking, it's asking people to respond to what they think about the Working Group Guidelines once they read them.

I could not identify any comments in the survey itself that related to the suitability of the survey. Now if I'm missing comments - and I haven't seen anything on our email list or anything. I guess I would need clarification. Have the SCI members commented on the content of the survey itself - the survey questions?

Ron Andruff: That's my point, Julie, is that - right now I'm looking at a screen that says nothing being shared. You're telling us...

Julie Hedlund: What I'm saying, Ron, is that...

((Crosstalk))

Ron Andruff: I don't disagree.

Julie Hedlund: ...the summary - the survey simply gathers the comments that people made when they took the survey and those comments do not relate to the survey, they relate to the Working Group Guidelines.

Ron Andruff: I understand.

Julie Hedlund: They were trying to capture in the survey - so it seemed like the survey worked. For it was capturing information...

Julie Hedlund: Julie, Julie, with respect to what you're saying I understand what you're saying. But I have a committee and we're talking about an action on a working group survey and you are telling us information but we cannot see it. And so a lot of us haven't - don't recollect it. So what I'd like to do is on the next call is I would like to have the - there's a summary and that information posted. We can all look at it and we can agree or disagree with what you're saying. That's not - I'm not - that's not the problem.

The problem is right now we're ill-informed; we don't have the information to submit - send this on. Because this has been an item that's been on our agenda for some time and many of us have forgotten since we took the survey. And I think it would be a wise decision for us just to look through the survey together and make sure that in fact we are all in agreement before we send it on.

Julie Hedlund: Thank you, Ron, this is Julie.

((Crosstalk))

Julie Hedlund: I did send that information prior to the call on the 6th. And I apologize because I was not on the call on the 6th. But this indicates to me that this item was not discussed and that summary that I sent and had prepared to be posted was not discussed. So I will resend that summary. And I guess I would just ask though that perhaps there could be some discussion on the list as well.

Ron Andruff: Thank you. Avri.

Avri Doria: Yeah, and I want to apologize to Julie on this because I think, once again, I was partly responsible for causing this. I seem to remember that some of my comments related to the survey. I looked at which you sent before last week's meeting and I think concluded that while I had made some wise-ass remarks about the survey while taking it that perhaps those remarks were all that important or relevant.

And although there may be stuff working - worth talking about that. But you did indeed send it out last time. I remember looking at it and going, eh, not as substantial as I thought it had been. And I do think we just need to go through it. But, you know, that's all. Thanks.

Ron Andruff: Thank you very much Avri. And that's my point as well, Julie. So I think we're clear on it it's just that we didn't get to that work and it's time that we do so what we need to see it before we can.

So with that then I'll move on to the chair, vice chair elections and terms. There was a charter change that would be in keeping with the charter revision on Point Number 6. And this had to do with insuring in the charter some language about the terms for the chair and vice chair because we did not have that in the original charter.

J. Scott Has been kind enough to rework that for us. And I think that we're pretty well there. I wonder, J. Scott, if you could just refresh us with the change that you made?

J. Scott Evans: I'm sorry, I was on mute. Let's see where we are. I don't see - if you want me to look at this document - is this the document we have up - the PDF?

Ron Andruff: I understand this to be the charter and can it be - I don't see, myself, the language with regard to the chair and vice chair. I think that might be further down.

J. Scott Evans: I've been given the power to scroll so now I see it.

Ron Andruff: There you go.

J. Scott Evans: Can everybody see where I've scrolled down to?

Avri Doria: If you've got...

((Crosstalk))

Ron Andruff: Yes.

J. Scott Evans: I would probably - now that we're there how do we make it larger?

Ron Andruff: I think Julie - Julie can...

Julie Hedlund: Actually what you can do is at the bottom of the screen there's a minus and a plus.

Ron Andruff: Thank you.

Julie Hedlund: Yeah.

Ron Andruff: Very good. Thank you very much, Julie.

J. Scott Evans: Okay, you know, we basically have changed this so now that we - when we only have two candidates for chair then they will run, there will be an election,

Julie Hedlund: J. Scott, this is Julie Hedlund. I just want to check something quickly. I may have put up an older version of the document. Let me just - let me just check something here. I had another one - okay, I apologize for this but I think this is the one dated February 6 that you sent out immediately following the meeting on February 6. So I think this is the latest version. I apologize for that.

J. Scott Evans: Okay, so basically we have a one-year term with a two-year term limit. And in December of each year we're going to ask for volunteers to serve as chair and vice chair. And if the current vice chair and chair are not terminated and they wish to continue then there won't be any election.

But if there is more than - I think that's a - there is a typo in that - if there is more (unintelligible) one volunteer, it says on volunteer now. If there's more than one volunteer for either position then we go to election.

The first option is when there are only two candidates for chair and no vice chair candidate. They run an election and the losing candidate will have the option of accepting the position of vice chair. Okay?

If he or she elects not to accept then we make a call for vice chair. If there are more than two candidates for the chair or more candidates - or one or more candidates for the vice chair then we hold an election for that as well.

And in the event no candidate - I think this is to handle Avri's question about a plurality - receives a fair majority we will conduct an election between the two candidates that received the most votes so that's it.

Ron Andruff: Thank you, J. Scott. Thank you very much. So this is a - again a charter amendment that we'll be proposing to the GNSO Council for their approval. I just wanted to bring this back on the table with the final language to bring everyone's attention to it to recognize that we have enshrined this new element into our charter or we would like to have them enshrined in our charter, better said.

So that was the purpose of bringing it onto the agenda today. Does anyone have any comments or thoughts they would like to bring to this? Hearing none - please, go ahead, J. Scott.

J. Scott Evans: This is J. Scott Evans for the IPC. I think if we're going to do a look at the entire charter we might as well not submit things piecemeal and we should look at the whole charter understanding that we've basically resolved this issue but cement them all to the Council at the same time.

Ron Andruff: Absolutely, that's what I was referring to so if I wasn't clear I apologize. I'm saying that for our part, as the SCI, we agree on this language now so when we get to the charter revision and updating then this language can automatically flow into that.

Okay if there's no other thoughts or questions on this then I will move us onto the Item 9 regarding our GNSO Council liaison to the SCI. As we spoke on the last call I sent a letter to Jonathan, chair of the GNSO Council advising him that the Council have a opportunity to have a liaison with the SCI.

And he graciously responded before this call and sent back an email that recommended - or as I had recommended basically there were two options; one option was a traditional liaison appointed by the Council that would, for example, be a member of the Council and appointed to serve as liaison to the SCI as prescribed by that GNSO working groups.

Or the chair and/or vice chair of the SCI would serve as liaison to the Council and would participate as observers to the Council meetings upon invitation. And Jonathan's response, which came to - was sent to the entire list - said that he would recommend to the Council that we would have what he called a hybrid which would be they will provide a liaison to us and that they will invite the chair and/or vice chair to the Council on specific issues when appropriate.

So that's the general situation we have right now with regard to that liaison. And I think it's a good solution. If there's any comments regarding that they are welcome at this point. Hearing none...

Avri Doria: This is Avri.

Ron Andruff: Oh, please.

Avri Doria: I didn't get my hand up in time.

Ron Andruff: Okay Avri, go ahead please.

Avri Doria: Okay so if I understand the situation now is basically we wait until they appoint a liaison or we wait until they invite us for a meeting. And if we think it's important for us to be in a meeting to explain something we ask for an invitation, is that where we're leaving it? That's what seems to me that we've done our bit, we sent the letter, we got an answer and now it's up to them to appoint someone.

Ron Andruff: That's how I understand it, Avri. And quite frankly I think that, you know, it's a very good solution. As you said, we've done our work, we've asked them - we've invited them to come. And I look forward to hearing from Jonathan once this has gone before Council.

The other element that I should note is that at the face-to-face meetings we have a responsibility to report our activities to the Council. And I intend to be doing so in Beijing so...

Avri Doria: Oh yeah.

Ron Andruff: ...all face-to-face meetings, you know, we'll report. All right so then the only other thing that we have on our agenda then after this is any other business. And does anyone have something they'd like to bring to the discussion today?

Hearing none I think everyone for your contributions. Those who came early, those who came late, those who had to drop off, always appreciated - the thoughts and considerations you bring to the SCI. And with regard to the outstanding items and action items Julie will send them around as she does so well at the end of this call.

And I would look forward to hearing back from the new subcommittee we've created. And thank the last subcommittee for drilling down and coming back with some concrete proposals; it's been very helpful. So thank you everyone.

((Crosstalk))

Anne Aikman-Scalese: Thanks, Ron.

Ron Andruff: Bye for now.

Anne Aikman-Scalese: Bye.

END