

**GNSO
Operations Steering Committee (OSC) GNSO Council Operations Work Team
27 January 2010 at 17:00 UTC**

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Participants on the Call:

Ray Fasset - Registries
Wolf Ulrich Knobon - ISPC
Avri Doria – NCSG

Staff:

Ken Bour
Julie Hedlund
Glen de Saint Gery

Apologies:

None

Coordinator: This call is now being recorded.

Julie Hedlund: Thank you very much. This is Julie Hedlund. I'm filling in for Gisella Gruber-White who is tied up on another call scheduled at the same time. Good morning, good afternoon, good evening to everyone. I'll do a brief roll call and then turn over the meeting to the Chair, Ray Fassett.

On the call we have Ray Fassett, Wolf-Ulrich Knobon, Avri Doria. And from staff we have Ken Bour and Julie Hedlund and Gisella Gruber-White is on the call but is also occupied on another call. And so that's who we have for this call. And Ray I shall turn it over to you.

Ray Fassett: Great. Thank you very much Julie. Ray Fassett. Let's pick up right away on the upcoming Nairobi meeting and the scheduling of our particular work team meeting as part of Nairobi which generally happens on the weekend. And in the past two meetings, I think it has happened on Sundays.

The weekends are very action packed full of meetings prior - leading up to the official start of these...

((Crosstalk))

Ray Fassett: ...ICANN meetings on Monday. So Wolf since you're sort of more in the loop if you will on all the various meetings being scheduled, the work team meetings and other GNSO activities, can - what are the conflicts going on with establishing a meeting for our work team on Sunday? Can you give an overview?

Wolf-Ulrich Knoben: Yes okay. Wolf Knoben speaking. As you may know, so the general ICANN schedule is not yet posted, not in part so. It's still under preparation for what I understand. But what we have received as Council members is a draft GNSO schedule.

And I wonder whether you, the other members also received that or not. But let me go through and I could give you also and present it to you later on. So what is - what's going on Sunday, on the weekend is this weekend is the Saturday week - is packed with meetings both on the non-contracted parties' house and contracted parties' house themselves. And there is some - there is a non-contractual is going to address the Council itself.

And then afternoon there shall be given updates from the working groups, different Council working groups and an update on who is (Sally). So that's Sunday. It's Saturday, Saturday. And Sunday is in total I think yes it's all for the GNSO improvements working teams. So the - there's some space for the

steering committees left and a spot for the different working teams like the Council operation working team other and the constituency operations working team and the work prioritization model group.

So right now, that's my personal problem is an overlap of the Council operations working team, our team here and the PDP development process working team chaired by Jeff Neuman.

And I would like to avoid this overlap. So it was - there was a reason where asked (Stephen) from (Gallup). He is in charge of this agenda. And - so at the time being, the (Tee cot) meeting is in the morning at 11:30 - from 11:30 to 1:00 o'clock. And Olga's team is going to have a meeting from 9:00 o'clock to 11:00.

So if these both meetings could be changed, I mean exchanged, I mean Olga's team shifted to 11:30 and our team starting at 9:00 o'clock in the morning that would help me personally. But I don't know if the -

Man: Oh.

Wolf-Ulrich Knoben: ...this arises other problems.

Avri Doria: Yes. I...

Wolf-Ulrich Knoben: So that was my proposal at to do that.

Ray Fassett: Okay. And then Avri is that you?

Avri Doria: Yes. My comment is...

((Crosstalk))

Glen de Saint Géry: Hey Ray. This is Glen. Can you hear me?

Ray Fassett: Yes Glen, welcome.

Glen de Saint Géry: We got that request and it can be done so there's no problem.

Ray Fassett: Okay.

Avri Doria: Actually I have a problem with it.

Ray Fassett: Okay let's hear that.

Avri Doria: My problem with it is I'm the NCSG's rep on the PPF. So...

Glen de Saint Géry: Ah.

Avri Doria: So that...

Ray Fassett: Yes.

Avri Doria: ...moves it into being - I mean I also participate in the PDP so I'd have to miss part of that although the PDP does continue...

Ray Fassett: Um-hmm.

Avri Doria: ...into the afternoon.

Ray Fassett: Um-hmm.

Avri Doria: But I would - I would have to miss one or two - one of two.

Ray Fassett: Um-hmm. Um-hmm.

Avri Doria: And if this Vice-Chair thing did happen, that would make it a difficult conflict.

Wolf-Ulrich Knoben: I see.

Ray Fassett: Um-hmm.

Wolf-Ulrich Knoben: Well it was...

((Crosstalk))

Glen Saint De Géry: So you have to take that into account definitely.

Ray Fassett: What's that Glen. I'm sorry.

Glen Saint De Géry: Yes. Actively we take that into account Ray.

Ray Fassett: Oh. Right. Right. Okay. Okay. All right. So let's back up one minute here. I can state with very pretty good certainty, as of today I am likely not going to be physically attending Nairobi. Now it sounds like Avri will be physically attending and Wolf will be.

Avri Doria: Yes. I'm planning to. I haven't got funding completely tied up but I think it will get tied up or in the end I'll use my own to get there. But, I'm still...

Ray Fassett: Um-hmm.

Avri Doria: ...trying to get funding so I don't use all my miles to get there.

Ray Fassett: Right. Right. So okay so there's that. No my - I might change. I've done it before. I've changed at the last minute and attended. But as of today that's where I'm at.

Now the second question I have is as open discussion by the way is okay so what's our agenda potentially for Nairobi and then what items on this agenda

are considered really high priority for example. Does anybody have any suggestions on that?

Well let me preface. If there is nothing that's really high priority, while ICANN meetings are certainly a good opportunity for face to face, and we always want to encourage face to face whenever the opportunity arises. However if there are conflicts of scheduling, and there's nothing so necessarily urgent on our plate, are people are attending just in order to attend and but they're thereby maybe missing something material or substantive.

So I want to throw out there, is there even the concept that perhaps we don't need to have a formal time slot of a work team meeting? Any thoughts?

Wolf-Ulrich Knoben: Sorry. Wolf speaking. So did you ask for a time slot before the Nairobi meeting?

Ray Fassett: I'm asking simply is there a need for us to schedule an in-person meeting in Nairobi over matters agenda items matters that we're discussing?

Wolf-Ulrich Knoben: Yes. Ray. So it's Wolf speaking. So I have a general question. What is our timeline with regards to the pussy water procedures at all?

Ray Fassett: Okay that's good. That's exactly the relevant question. So let me kick this one back to Julie and Ken. I think we left off on our last discussion as it pertains to abstentions with getting legal ICANN staff legal advice. Is this correct? And have we gotten any?

Julie Hedlund: Yes. This is Julie, Ray. And Ken will speak to this more as we move to this agenda item for - on today's call. But we have received feedback back from legal on - from Dan Halloran on the latest version that Ken had provided based on the feedback from our discussions at our last meeting.

Ray Fassett: Yes.

Julie Hedlund: With respect to the timeline of completion of projects, we do have this abstentions issue to finalize. As some of you may know, the Council itself is taking up the issue of the procedures for the election of seat 13 which is the seat currently occupied by Bruce Tonkin. And he has indicated he's available to serve again in that capacity.

But we will need, as we have determined after looking at the bylaws, additional general procedures for Board seat elections as the bylaws state that these will be handled in the operating procedures. And it was an oversight on all of our parts not to realize that those procedures needed to be there.

The Council itself may decide to simply move ahead with generalized procedures where it may ask this work team to finalize generalized procedures. That will be discussed I believe at tomorrow's GNSO Council meeting. But...

((Crosstalk))

Ray Fassett: Okay. There's a lot of information there.

Julie Hedlund: Yes. There's a lot of...

Ray Fassett: There is a lot of information.

Julie Hedlund: Yes. There's a lot of - and then actually it's just so it cover other agenda items at just - we also have outstanding the statement of interest, disclosure of interest procedures and some other perhaps minor issues that might need to be built into the operating procedures.

But my final point is that the charter for this work team expires in the Nairobi meeting and will need to be reinitiated by the Council in order - if we do not finish the items on our, you know, on our task prior to Nairobi.

Ray Fassett: You're saying - now when you refer to Council, do you mean the GNSO Council...

Julie Hedlund: Yes.

Ray Fassett: ...or the OSC?

Julie Hedlund: I believe it's the GNSO Council that affirms that the charters go forward from that point. I can check that but that would seem - that seems to be my recollection from the Seoul meeting.

Ray Fassett: Okay. So someone will need to put it in a motion to the Council that basically makes that recommendation...

Julie Hedlund: Right. And that would...

Ray Fassett: ...one way or the other.

Julie Hedlund: Probably at the Council meeting in Nairobi. And I can check that procedurally with (Rob) but that's my understanding. My point being that there are a number of tasks to be completed prior to Nairobi and we have five weeks essentially.

Ray Fassett: Okay can - let's back up to one of the things you said that - did I hear it right that - what was this about general procedures out of Council? Were you referring to abstentions?

Julie Hedlund: No. The abstentions issue is the one that we're working on and we'll address again today. It was determined just recently in a discussion with the Chair

who GNSO Council is needed to be a procedure in place for the election of Board seat number 13 which is the GNSO Council's represented - representa - representative seat currently occupied by Bruce Tonkin which Glen can correct me here but I believe expires in April.

And it was an oversight on everyone's part that...

Ray Fassett: Wait a second. You mean our work team? I mean that's what I was...

Julie Hedlund: No, no, no. Well what I'm saying is that I - I'm not being very clear. But the bylaws, the ICANN bylaws state that there should be - that the procedure for electing Board seat number 13...

Man: And 14.

Julie Hedlund: ...and for Board seats in general rests in the GNSO Council operating procedures.

Ray Fassett: Uh-huh.

Julie Hedlund: There's currently no procedure in the operating procedures. There is a procedure that has been available and has been used but it is not incorporated in this current approved version of the operating procedures.

Ray Fassett: Oh okay. All right.

Julie Hedlund: And...

Ray Fassett: Well I think that's a high priority item then right?

Man: It's...

Julie Hedlund: Well but one thing you should know is that the Chairs of the GNSO Council determined that because there needed to be a procedure developed very quickly for Board seat 13, the Council itself is moving ahead to approved that procedure and has asked staff to draft a procedure and will consider that procedure tomorrow.

And so that will not fall under the responsibility of the work team because there needed to be a procedure immediately.

Ray Fassett: And the OSC is okay with that? I can only assume.

((Crosstalk))

Julie Hedlund: Yes. I mean this is, this is (Chuck) and (Stephen)...

Ray Fassett: Yes. Of course.

Julie Hedlund: ...and Olga all agreeing that this needed to be moved ahead on very, very quickly, understanding, you know, the timeline for the work team and the other things you have on your plate and that there is a Council meeting tomorrow, the sense was that this needed to be addressed immediately by the Council itself.

Ray Fassett: Okay well...

Man: This...

Ray Fassett: ...as long as - it sounds like. Oh I'm sorry go ahead. Is that Ken?

Ken Bour: Yes this is Ken. I can give just a little bit more update because all of this has just been happening in the last 15 or 20 minutes. What we've decided to do based on Margie's - Margie Milam's recommendation is there will be a new

section, 2.4, in the GNSO operating procedures. I've already inserted it into the current version.

There will be - and we're going to reference an Annex, Annex 1 of the GNSO procedures that will - it contain these interim procedures for Board seat 13. And so that's how it's going to get handled in the procedures. So the Council will have a motion to approve the GNSO procedures containing this new paragraph 2.4 and an Annex 1 that has these interims.

And then the next problem will be, we have to take the interim out and put a real procedure into 2.4 and then remove the Annex. So that will be the longer term effort. And whether that goes to the GCOT or somewhere else is yet to be determined.

Julie Hedlund: Well it - the Council needs to decide whether or not they want that general procedure to go through the, you know, this work team. And I'm sure they'll discuss that in which case, you know, Ken and staff in general will help, you know, to address those.

And that would then be another item on the work team's workload in the next two weeks.

Ray Fassett: Okay. So just for a proper procedure and documentation, we're sort of on standby. We're going to - our work team is going to be on standby for this particular issue. But I think it's appropriate. I mean there has been discussion at the Council level. It has included the OSC. It seems like it's also included ICANN staff, likely legal.

But just appropriately for those on the call today on our work team, Avri and Wolf, is there any - do we have any objection to that this is moving forward the way that it is?

Wolf-Ulrich Knoben: Yes well it's Wolf speaking. So I don't have any objection because I didn't know anything up to now. Also I'm a Council member. So I'm a little bit surprised about this pressure you point - you talking about Julie because so I was of the opinion the seats that the Board seat, Bruce Tonkin seat is going to be reelected for at the end of this year. So the maybe in November, the November meeting, but maybe I'm wrong in that respect. So it - for me the question is really where the time pressure comes from.

Julie Hedlund: And Ken you can jump in here too. This is Julie. But my understanding is that the procedure needs to start now because of various requirements to, you know, see if there are other candidates and to evaluate candidates and so on. And I think that it is sooner than November.

Woman: It is.

Julie Hedlund: Glen are you on the call still?

Wolf-Ulrich Knoben: Well anyway I will...

((Crosstalk))

Julie Hedlund: Yes. My understanding is that there is a very great pressure, time pressure to initiate this now.

Woman: Yes.

Julie Hedlund: And I

((Crosstalk))

Julie Hedlund: And it is being initiated. I know the Council will be apprised of this. It's all happened as Ken mentioned very, very quickly. We're simply - I don't - I'm sorry if I may be speaking out of line with respect to discussions with the

chairs but I did feel that we needed to apprise this group of something that's happening very, very rapidly.

Man: Um-hmm.

((Crosstalk))

Avri Doria: This is Avri. According to the Board Web page, and this is my recollection from when I used to be on the Council, Bruce's term ends in April 2010.

Julie Hedlund: That's what I had heard Avri. Thank you.

Avri Doria: Yes.

Julie Hedlund: This is Julie.

Man: Uh-huh.

Julie Hedlund: And that is why we...

((Crosstalk))

Glen de Saint Géry: This is Glen.

Julie Hedlund: Yes Glen.

Glen de Saint Géry: Am I - can you hear me?

Julie Hedlund: Yes. Yes we can hear you Glen.

Glen de Saint Géry: This - thank you. We have to have the name in by the 26th of March. It must be 30 days before the end of the term and the term ends on the 26th of April. I've checked with John Jeffries last week.

Woman: This is really very much rushed.

Ray Fassett: Well I'll just voice my opinion on this one. It appears, you know, given the circumstances that this has been fairly well thought out even though it is happening sort of a in a rather last minute - I don't want to infer last minute negatively in that it sounds like an interim procedure is being put. It's going to be added as an Annex.

And then there still will need to be the detail of formalizing this procedure. And when I say formally, I mean including it as part of the official rules of procedure. In other words, that's a step that still needs to happen while we - while this interim step is put into place.

And then our work team will be on standby if needed, if the Council desires or the OSC desires to deliberate or discuss whether to take the existing interim procedure and make it a formally part of the rules of procedure or whether to offer a recommendation of changing it.

Ken Bour: This is Ken. It - the interim procedure cannot be incorporated as written. If you see it, it's one page. It - all it - and it includes a bunch of dates in it right. So if you're going to - if we're going to write the procedures in a general way, they have to - we have to write it in such a way is like Glen was saying, four months before the end of a Board member term then this happens. And then three weeks before that this happens, you know, that kind of stuff.

And so we are going - and I have been tasked with the job of at least creating the first draft of the generalized procedures. And I think the only question left will be does the GCOT, the one that's going to make that formal recommendation to the Council or will it happen some other way. But I will at least be creating the first draft of that document.

Ray Fassett: Well everything I'm hearing I'm just - I'm just communicating my personal view or my view as a work team member that I don't - I don't have any objection to this. I understand the situation has arisen, whether it was oversight on our part or other parts or, you know, I - but in terms of how you've described the action steps, I don't have an objection to how this is coming about. Does anyone else though on our work team have any?

Avri Doria: This is Avri. Can I comment?

Ray Fassett: Yes.

((Crosstalk))

Avri Doria: If what they're doing is basically using the procedure that Glen always used in terms of the dates and then just changing, you know, majority of the Council members to majority of each house which is what I presume people would do. I don't see anything that's problematic about it.

Ken Bour: This is Ken, Avri. That's essentially right except that the bylaws actually prescribe 60% of vote in each house not...

Avri Doria: Oh okay.

Ken Bour: ...majority but, yes.

Avri Doria: Sorry. I should've remembered. I didn't.

Ken Bour: It's okay.

Ray Fassett: Wolf any comment?

Wolf-Ulrich Knoben: Well, oh, well I should just wait tomorrow's Council meeting and we'll see what's going to happen. So I think there shall be a comprehensive information be given about this and then we will see.

Ray Fassett: Okay. And the only reason I mention it is, you know, keeping in line with certain aspects of public perception, you go through a process of creating a steering committee that then assigns or creates working teams and then assigns duties to those working teams. Yes. Someone not as familiar with the process may look at this and say well, you know, what is legitimacy of you set up if it's just basically going around it?

But I just want to communicate for the record that I don't feel that is the case at all. But that's what's going on and our work team has been apprised. We understand the situation. We understand the issue and how it is going about. And so for the record, I think it is appropriate. And we'll be on standby if asked to later look at this situation and the procedure that's been used and whether our assistance is needed to formalize it as part of the Council rules of procedure.

Okay. Is that fairly well satisfied?

Wolf-Ulrich Knoben: Um-hmm.

Ray Fassett: Okay. So where were we? Okay so back onto - we still haven't quite figured out Nairobi and the need for our work team to formally request a timeslot for an in-person meeting. Julie did mention a few action items that need to happen prior to Nairobi from our work team.

I think Wolf is probably was leading down the path of, you know, we have to get this other amendment to the Council rules of procedure as it pertains to abstentions. You know, I think what - I know what - I know what Wolf was thinking. Wolf was thinking in at the last meeting we promised the Council a

day, I think it was like November something. And obviously we're well past that.

So we've got to get something in front of the Council here as it relates to abstentions and how votes will be counted in the case of an abstention. And we've done a lot of the leg work. So where are we at on actually being able to get this in front of the - well first of course to the OSC and then in front of the Council for them to approve as part of the operation procedures? So that's a question.

Ken Bour: This is Ken. Would you like me to tee this up?

Ray Fassett: Yes please.

Ken Bour: Okay. On the 12th of January, I sent to the work team a version - a late version of a completely newly written section on abstentions which I don't believe as a complete team have actually discussed because I think it was done after our last meeting.

In any event, on the 19th of oh just essentially a little bit a week later, (Rob) and I finally got a letter to Dan Halloran in which we really outlined what we were doing with this new set of procedures, explaining all the different sections in it.

We actually even suggested where we thought the bylaws need to be amended to accommodate the changes in the procedures. And so that was launched to Dan. And then we - I'm sorry...

Ray Fassett: Okay I just wanted to clarify. So that - so there was a communication to our list on the 12th. But this one on the 19th was not - it was just to Dan right?

Ken Bour: That's correct. But it is complete...

((Crosstalk))

Ray Fassett: Then a request that - then a request I've seen you - because of my own issues, can you please re-forward the 12th email to the list.

Ken Bour: I - well I did one better. I just - at Julie's recommendation I sent yet one more version ahead of that one. I just sent it to the list about 30 minutes ago.

Ray Fassett: Oh great.

Ken Bour: So if you'll check the list email, you should see one sitting there. It's now KBV5.

((Crosstalk))

Ray Fassett: Ah yes. There it is. Got it.

Ken Bour: The one that I sent, yes.

Ray Fassett: I got it.

Ken Bour: The one that I sent on the 12th was KBV4. And the one that I just sent is actually redlined so you'll see where I made changes from. So anybody who looked at the one on the - that was four, you'll be able to see where I made some additional changes.

Ray Fassett: Okay.

Ken Bour: Every time I read it I see something a little bit differ, I change a little bit better and I'll point all those out to you.

But in any event, the letter to Dan the email to Dan was completely consistent with everything that's in version four and five. In fact that I sent to Dan was

five. That's what he ended up getting because I started doing work on it prior to the meeting I thought we were going to have but we didn't.

Anyway, the only thing you haven't seen is these bylaw amendments. And at some point I can send those to you. So here's where we are. So Dan responded. And in essence he said, "Ken's note looks reasonable to me. It seems like the team is heading in a good direction." He had a couple of little suggestions about a few wording changes here or there, but otherwise seemed good.

So what his instruction or comment to us was, "Maybe you or Ken could send me and Sam, Samantha Eisner, an update after tomorrow's call." That's - this - so this was written just shortly right?

Ray Fassett: Yes. Um-hmm.

Ken Bour: This could be today's call.

Ray Fassett: Yes.

Ken Bour: And a word redline of the bylaws as you're thinking to maybe amend them if you're there yet and we can take it from there.

So I conclude that we've done a pretty job. We've written some good procedures. Dan is okay with where we're heading on all these different steps. He understands the logics. We tried to explain why we took out the default position of changing the denominator and so far so good.

And we actually even have some bylaw language changes that we think will float. And all we have to do as a team, the GCOT is to solidify what is in KBV5 as the set of new procedures, make sure that we're okay with all of what's in there and then we can send it to Dan and hopefully from that point you can go to the Council.

Ray Fassett: Okay. All right. Well here's my suggestion to the work team. That's very good work and a very good update and a very good summary by the way, Ken, thank you.

My suggestion to the work team is we set a deadline of next - I'll pick a date. I'm going to say next Wednesday. And if there are any objections, everybody will read this document, maybe some have, I have to admit I haven't. We'll read this document and Ken's words were, you know, for us as a work team to solidify our position that we accept this document basically.

And if by next Wednesday there are no objections, and I'll - I'm going to ask Julie to send out an email to this effect to the work team, that as an action item of today's meeting is that if there are no objections to this document, we are basically what, endorsing that it move forward as part of the Council rules of procedure. Is that - any thoughts on that?

So if we use next Wednesday as a date and time, what would be next steps, once the GCOT is comfortable with this? I don't think our position's to be involved in the bylaw changes. Do you Ken?

Ken Bour: No and then...

Ray Fassett: Should we be getting in the middle of that? No that's just a...

Ken Bour: I don't think you'll need to because in the one case - they're actually fairly straight forward. And I can actually just share them with you relatively quickly if you want to just have a general idea.

You remember that old - that section paragraph 8 that said except as otherwise specified in these bylaws, all we've suggested is to add or the GNSO operating procedures comma...

Ray Fassett: Um-hmm. Okay.

Ken Bour: ...each member of a voting house is entitled to cast one vote. So that takes out the worry about whether the bylaws are in conflict with the procedures on the business of proxy voting. So we just - we just add or the operating procedures and then when we - our - that our proxy voting will take precedence over the bylaws in that particular case.

The second change had to do with building in a new paragraph that allows for the alternate to occur. And I'll just read this to you. It's not very long and it's fairly straight forward.

A constituency or stakeholder group may select another person, per in alternate who is not a GNSO Council representative as a replacement for one of its appointed or elected GNS Council representatives under the following two conditions. A, a Council representative will be absent for an extended period and unable to fulfill his or her duties or B, a Council representative declares that he or she must abstain from participation and/or voting on a specific matter before the Council due to personal obligations.

The GNSO operating procedures contain rules and administrative requirements associated with the exercise of either of these replacement options. End.

Ray Fassett: Okay.

Ken Bour: So, and you know, Dan and Samantha may wordsmith that some...

Ray Fassett: Sure.

Ken Bour: ...in the final bylaws but all we're really doing is saying you can do an alternate also and we have - we know where we would put that in the bylaws in Article 10 and there're two conditions, right, one is an extended absence,

the other is an abstention case. So that then permits us to create this whole alternate scenario.

Now, we have provided in our procedures, the ones that I just sent KBV5, we provided a set of procedures to how this would work.

Ray Fassett: Right. And these procedures are the ones we been vetting in our last two, three calls.

Ken Bour: Correct.

Ray Fassett: Right. So, it's really I think an exercise for those that have been active on our work team to simply just read the document, basically arrive at the conclusion that I expect to arrive at that these - that what is contained is everything that we've discussed.

I don't think our work team needs to get in the middle of the particular wordsmithing to the bylaws changes so much. They really are happening as a result of the results - of our work on this subject and this document. So I think what's important now at this point is setting a sort of a date and time for our work team is saying let's move forward with this procedure.

I don't want to wait two weeks in order to schedule another call and take a formal vote if you would. I don't think that's necessary. If others do, please say so.

I think we've reached rough consensus as a work team on this subject matter. And I - so my point is that - to set a date whether - it could be tomorrow as far as I'm concerned if we wanted to. I'm reasonably saying okay let's set next Wednesday. And if there are no objections from any work team member via the email list, then consider it as accepted by the work team and then please move forward staff support and ICANN staff folks and get this moving so we can get in front of the Council.

Wolf-Ulrich Knoben: Ray?

Ray Fassett: Yes Wolf.

Wolf-Ulrich Knoben: It's Wolf speaking. Ray, I'm well fully in line with you that we should take this text. But I wonder how we should include it into the - with the procedure. So when I go through and see the amount of text we have with regards to the abstentions, it get about six or seven pages. So this - if we include all of this text in the rules of procedures, so it's - it's the biggest part of the rules themselves. So that means everybody is - they'll be shocked or, you know, who is not familiar with this - with all of this, what what's going on here.

So, just the abstention take so much place. So I wonder how we could do this, whether we could make reference just to the text to an external text to the rules of procedures or how we should do that.

Ken Bour: About five point font.

Wolf Ulrich-Knoben: Yes five point. Is this...

Ray Fassett: Okay. No that's a very legitimate...

Ken Bour: Yes.

Ray Fassett: ...issue. We've now worked to tripling the size or - I don't know what exactly it is but we're, you know, materially increasing the size of the rules of procedure.

Ken Bour: This is Ken if I might...

((Crosstalk))

Ray Fassett: Yes go ahead Ken. You got an idea there?

Ken Bour: ...toss this - yes. Let me speak. Wolf I congratulate you. Our colleague Rob Hogarth also noticed that very thing. He said my God, this is going to double the size of the procedures.

Wolf-Ulrich Knoben: Hmm.

Ken Bour: I don't think personally that there's much we could really take out of there because I think it's all pretty much needed. Now I would add this. The GNSO operating procedures have a number of sections yet to be included, right.

They were substantially larger than they were at this point because as you may recall, the decision was only to put that material in the procedures, the new procedures, that was required to seat the Council.

Wolf-Ulrich Knoben: Yes.

Ken Bour: And so as a result, the - there's a lot of material that's not in there yet. For example all of the material that used to be a task forces that will now be in working groups, there will be a whole working group document that gets included probably because there's a team as you know that's developing guidelines around working groups.

Man: Hmm.

Ken Bour: I presume all that material or at least some portion of it will end up in the procedures...

Man: Yes.

Ken Bour: ...to replace the stuff that used to be in there on task forces. All the PDP stuff that used to be in there will probably end up getting added as well.

So I don't think I would worry too much about the dwarfing the size of the other sections, but there's a second point that I think is important and that is where and how do we put these procedures into the document?

And there's two - I think there's a couple of options. I have currently suggested that we create a new Section 5 and call it abstentions. But in looking at the GNSO procedures, there is a paragraph or Section 4 called voting.

And you might remember that 4.5 was actually a placeholder which we called proxy voting. If we changed 4.5 to abstentions and then took all the material and put it in 4.5, it would live in the voting section of the document.

And so I guess - that's - I don't know if that's a material or a sort of technical matter. I don't know if the team wants to weigh in on that.

Avri Doria: Hi. Avri.

Ray Fassett: Avri go ahead.

Avri Doria: Weighing in - I actually think that that's a good suggestion since it does pertain to voting as a subsection of voting. It's appropriate. I agree with you for the most...

Ray Fassett: Hello?

Ken Bour: That didn't sound good.

Ray Fassett: No.

Man: No.

Ray Fassett: All right well we got the substance. It - Avri is weighing in at under the voting section which specifically would be 4.5. I have - I'm fine with that. I - Wolf do you have any comment on that or where it goes in the rules of procedure?

Wolf-Ulrich Knoben: No. It's - that's okay with me.

Ray Fassett: Okay. So now, Ken, if you would, go ahead and accept the changes that you've made. I see some changes from the - you had a version then this version. Go ahead and accept those changes. And then I would ask that they be renumbered.

Ken Bour: Okay.

Ray Fassett: Okay - to fit the rules of procedure. An email needs to be drafted to the work team that that basically outlines what I was describing which is the work team accepts this for inclusion into the rules of procedure under Section 4.5. If there are any objections to this please note that you must do so by lists, by this - by X date and any - if there are no objections, the work team is approving inclusion under Section 4.5 of this material. Some email like that.

Julie Hedlund: Ray. Yes. Ray this is Julie. I'll take that task on. One - when - Ken, Ken if you could make the numbering changes and send the revised version around to me then I will go ahead and send it with the email that you described Ray to the work team and get the clock ticking on finalizing that.

((Crosstalk))

Ray Fassett: Okay so - yes.

Julie Hedlund: And then the next - just a reminder would be that we would then forward this recommendation assuming it's all accepted and there are no objections to the operation steering committee.

Ray Fassett: Okay. So I don't consider.

Ken Bour: Actually if I...

Ray Fassett: Yes.

Ken Bour: ...might just take - make a slight change that what I think - what I might suggest is a slight change to that Julie would be after next Wednesday, let's say on Thursday morning, is I would send the document. And maybe there are some additional modifications to it, right, so whatever version we're up to.

I would send that to Dan Halloran first along with the bylaws changes that we just discussed a minute ago and let him - give him a week or so to see if everything's going to be completely kosher.

And if it is, then we can go to the OSC and hopefully everything should be - is that reasonable?

Ray Fassett: Yes. And I don't think we're fast tracking this by any stretch. I mean we've spent a lot of time on this and a lot of substantive and quality time. I would like now to suggest that we move this up not Wednesday but Monday. If there's - if no one is - has any further comment from the work team on this by Monday...

Ken Bour: Um-hmm.

Ray Fassett: ...let's put it in motion. I think yes, getting it over to Dan is appropriate as a first step. And then assuming those I's and T's are dotted, T's are crossed, then we get it in front of the OSC as our recommendation.

Ken Bour: Yes. But I think our - I think our argument is way stronger to the OSC and then ultimately to the Council by saying legal's already blessed this because the first thing they'll say is have you gotten this approved by legal.

Ray Fassett: Absolutely.

Ken Bour: Right.

Avri Doria: This is Avri. I'm back.

Ray Fassett: Yes.

Avri Doria: Sorry I fell off of my battery before but I (unintelligible).

Ray Fassett: Great. Thank you. And then there's only one other little bit of housekeeping to consider is we did invite a couple of those outside of our working team to weigh in on their opinion on things. And I think we've been consistent to hearing what the concerns were and then remedies to those concerns.

Do we feel as a work team that we should submit - give a copy of this document and an explanation to them or are we satisfied that we have taken in their input and feedback well enough and is already articulated in here as how we arrived it where we're at. Any thoughts on that?

Avri Doria: This is Avri.

Ray Fassett: Yes.

Avri Doria: I don't think we necessarily need to wait for them, but I don't think it would be a bad idea having asked them to come (unintelligible) to while we're going through this last bit to give them an early view of what it's at...

Ray Fassett: Okay.

Avri Doria: ...and just thank, you know, basically send them a note saying thanks for your help. Basically based on your help we arrived at the following and, you know, but that basically is as a courtesy more than anything else.

Ray Fassett: I think that's - there's some common sense to that. So if there are no objections from the work team when Julie sends this email out to the group, I will forward that email to both Steve and (Christina) basically articulating what Avri just said. And if they'd like to offer a comment back to the work team, you know, obviously please feel free to do so. Any objections to that?

Wolf-Ulrich Knoben: No.

Ray Fassett: Okay. I think then okay. So assuming now we obviously can't control Dan's plate and his pressures and times, but assuming let's say Monday comes and we're moving forward and Dan has a week - let me open my calendar here real quick and see where we're at. So Monday is the January, so Monday is what the first of February?

Julie Hedlund: This is Julie. Yes Ray that's the first.

Ray Fassett: Okay. So that's the first of February. Then - what do you - what do we think is a reasonable time then that we can get this over to the OSC? Would it be the eighth? Then how much time for the OSC to, you know, like you said, I think we've really leveraged ourselves with OSC. I think it's difficult for them to slow it down, not that they want to. I'm just talking procedurally.

Did we dot all our I's and cross our T's because, you know, eventually we want to get a motion prepared for Nairobi, right. We want this to be part of the A - the schedule in Nairobi for the Council to approve into the rules of procedure.

So I think we have the time to do that. When's the next Coun - when would be the Counc - when would be a Council meeting to vote for a motion on this in February.

Wolf-Ulrich Knoben: It's March 10.

Ray Fassett: Oh then - oh for the ICANN meeting it's March 10.

Wolf-Ulrich Knoben: Yes.

Julie Hedlund: The next Council meeting is at the Nairobi meeting.

Ray Fassett: Oh okay.

Ken Bour: But isn't it two weeks ahead of time that you have to prepare motions?

Ray Fassett: Yes. That's what I was getting at. Thanks Ken.

Julie Hedlund: Ideally I think.

Ray Fassett: Yes. Okay so two weeks ahead of time. That's what I was getting at. March 10th, so two weeks ahead of that. It seems like we're on a pretty good schedule here. So that would be a Wednesday the 25th right, or 24th.

Wolf-Ulrich Knoben: Twenty-fourth.

Ray Fassett: Wednesday, February 24th.

Wolf-Ulrich Knoben: Um-hmm.

Ray Fassett: Okay. So I think we - it is important that when we send this to Dan to communicate that our desire as a work team to get this in front of the Council which requires a step to the OSC, in order for a motion to be prepared by the

24th. So in other words, give him a little bit of a, you know, a sense of urgency on this, not that he wouldn't, but he's got a lot of things going on.

But in order for us to hit the target date of the Nairobi meeting, this has to be off his desk and into the hands of the OSC I would say by the 8th or the 10th at the latest.

Ken Bour: This is Ken.

Ray Fassett: Yes.

Ken Bour: Do you think it would be inappropriate to actually write the motion, draft the motion ahead of time? You know, if I got this whole thing and it said and here's the motion we plan to give to the Council, assuming the OSC approves it and by the way give it to the OSC as well. So everybody, you know, not only are all I's and T's dotted, all the commas are in there too. I mean everything's done.

Ray Fassett: Can you write that motion Ken?

Ken Bour: I can take a whack at it.

Ray Fassett: Yes. Okay.

Ken Bour: I can get help from (Rob) and Julie and others who've done more motions than I have.

Ray Fassett: Right. Yes.

Ken Bour: And then Wolf is a - Ulrich is a Council member and he could - he can put it on.

Ray Fassett: Okay. I think that's a good suggestion.

Wolf-Ulrich Knoben: Yes. Sure.

Ken Bour: Okay. We'll do that as well then.

Ray Fassett: All right. So that would be a very positive step I think from us coming from the work team, doing it right. I think we've done it right. I know we initially communicated a 25th date. I think we ran into some areas that required further investigation. I think we had experts actually perform such investigation. Hint, Ken Bour. And I think we worked collaboratively to get where we are. And we can now get this finalized as part of Nairobi, then I think our work team has accomplished something very important.

Now back to Julie. What else is - okay well first of all before I leave that subject, is there any reason in Nairobi to meet to discuss any of this? I don't think so. Does anybody else think that's a reason to meet in Nairobi as a work team? Okay.

So now back to Julie. Are there other items that you see important to address prior to Nairobi by this work team?

Julie Hedlund: Well there is the outstanding issue of the procedures for statements of interest, disclosures of interest which conceivably could be once they're approved folded into the procedures as they are, you know, op, you know, sort of part of the Council's operating procedures.

And as you may recall, we had a version that we got ICANN legal staff comments on but then had to turn away from that to address these more urgent changes, well more - the procedures changes to seat the Council and so on.

So we should I think turn back to that as quickly as we can. And there also are some very minor I think procedural changes or relatively minor changes

that Ken has been looking through the bylaws and then looking at the procedures to see if there are some, you know, some other items that we need to take care of.

And perhaps what Ken and I can do to help tee this up is, you know, send you - send the work team a list of what those items are including the statement of interest.

But the statement of interest - disclosures of interest procedures were very close, I think, to, you know, to perhaps a conclusion, you know, once the work team had reviewed legal comments on them. So that may be, if the work team decides, another item to take up prior to Nairobi.

Ray Fassett: Okay. So what's the action step on the SOI DOI? What does this work team need to do? We need to review the lost - I know it's been a while. And I'm going - afraid I'm going to have to ask for those again.

Julie Hedlund: Okay. This is Julie. And Ray I would suggest that as a, you know, as a next step I could send around that version and the work team could consider that perhaps in advance of the next meeting and that could be a point of discussion for the next meeting if you desired.

Ray Fassett: Yes. And I had a conversation with Ron Andruff where he - where he basically requested that we really prioritized this step that we're talking about right, the SOI DOI. And we want to concentrate our next call on whatever the action is we need to do now at this point with the work that has been done on these two documents.

So I would like to say here that I want to dedicate that next meeting to what we're talking about here, it's the SOI DOI, and figure out as part of that discussion what we need to accomplish in order to formalize that and get it into the rules of procedure. And then get that included as part of the Nairobi activity if possible. I think it's possible. Does anybody not think it's possible?

Okay. So it starts I think with just sending back around those documents and being well versed on these documents again as a work team so that we hit the ground running at our next meeting to put it - to complete it. Let's put it that way. Just to complete the action step that we've done the work on.

Julie Hedlund: And Ray this is Julie. Do we want our next meeting scheduled for two weeks from today?

Ray Fassett: Well my answer to that is yes. I'd prefer it. We finally somehow since we - the inception of this work team, the Registry constituency has its meetings on Wednesday as well. And somehow we get - we can never get out - it was always the same day. And which for me then is like two three hours straight of calls where if I could break it up every one one week and one the next week, that works better for me.

Finally, somehow, we've actually done that now. That - for me it's every other week. So for me it would be better if we scheduled the next one for two weeks and kept it on this cycle.

Avri Doria: Hi. This is Avri. I could possibly make a meeting late that night, but I'll be working an IGF meeting in Geneva at 5:00 o'clock which I guess 6:00 o'clock which this is, and I wouldn't be able to make it.

Ray Fassett: Okay.

Avri Doria: But that's not necessarily a reason to cancel it, but if it was later I could probably more easily make it...

Ray Fassett: Well I...

Avri Doria: ...but at 6:00 I couldn't.

Ray Fassett: Well that's a good point but - and if you could though Avri, if you could review the documents that Avri sends around and then of course provide comment via email...

((Crosstalk))

Avri Doria: Sure. Well that I could definitely do.

Ray Fassett: We'll consider the - yes. We'll take those comments into consideration discussion on our next call. Okay. So there's that.

And then I have one last bit of housekeeping as I consider is really very important and I mentioned it on our last call and I sent a little email out today. And I'm - we do need to address as a work team that we've been working without a Vice-Chair.

We did the procedure of nominating one but (Yova)'s been rather inactive with our work team. So while I think we've accomplished quite a bit, I think we can actually do better if we had a good solid Vice-Chair. Obviously it's been a great, great thing for our work team that Avri has agreed to volunteer her time to join us. And given that opportunity, I thought it would be good for our work team to formally have Avri take on the roll of Vice-Chair. Is there anybody on this call that disagrees with that notion? And that's the one question.

The second question, Avri would you be willing to accept that role? So I sent out a brief email this morning on what I, you know, what those kinds of duties would - might entail. I can certainly see some prior work team meetings that we've held where I could look at the subject matter and say, you know, Avri would be a far better Chair of that meeting than I am. Not that I wouldn't be on the call, but I could easily just logically come to that conclusion given her experience.

Then there are times where I may need to be absent in a meeting. I shouldn't hold up the work team. So assuming Avri would be available, that would be useful to me.

I think there can be better communication with staff. And while I think the quality and the experience of the staff members that we have being from Glen on down to Ken is exemplary. And fortunately their - I think the staff support that we've been getting is - has been very proactive rather than waiting for us to come back to them because if that was the case, we probably wouldn't be getting anything done.

So I think it would be helpful in our communication with staff if I have - if the work team had a Vice-Chair to help with those communications.

So these are just some of the reasons why I - and given the availability of - potentially of Avri to serve this role, I would really endorse this - us doing this.

So if there's any discussion on asking Avri to accept the position of Vice-Chair of this work team.

Wolf-Ulrich Knoben: Well it's Wolf speaking. So I - so I tended to not to object but I have to object to something what you mentioned. So, I got the experience with you sharing these meetings that you are footing. And really in let me say so it is your - is it your - you chairing that meeting is - was very helpful. That's well. And we came to really to a success in those meetings.

I remember the first meetings we had, you know, when we started to discuss once paper and so on. So anyway, nevertheless, I would agree really to share this workload.

Ray Fassett: Great.

Wolf-Ulrich Knoben: And if...

Ray Fassett: Great.

Wolf-Ulrich Knoben: ...Avri could join and do this job, so I would be very happy.

Ray Fassett: Great. Great. That's very kind of you Wolf. Okay Avri, I'm - it's in your court. I'm looking for...

Avri Doria: Okay yes.

Ray Fassett: ...an answer.

Avri Doria: ...let me - great, let me first comment. I agree with the statement just made that, you know, I can pick up no case in which, you know, it would have been better for me to be chairing than you.

Ray Fassett: Oh thank you.

((Crosstalk))

Avri Doria: One other thing you said, I'm not sure that the staff will necessarily consider me a better communication vehicle but - or even a good addition to communication vehicle. But having said that, if there's no one that objects to my taking it on, yes, I'd be happy to.

Ray Fassett: Okay. Well that's the end game regardless of how we got there. That's the important point. I think it strengthens our work team.

Wolf-Ulrich Knoben: Um-hmm.

Ray Fassett: That's what's important. So thank you Avri. I will send out an email...

Avri Doria: I think...

Ray Fassett: I will send out an email to the list myself basically stating that Avri's now the Vice-Chair of this work team.

Wolf-Ulrich Knoben: Okay.

Ray Fassett: Okay?

Wolf-Ulrich Knoben: Okay.

Ray Fassett: And we'll see if anybody objects. But it's done. It's a done decision as far as I'm concerned.

Okay. With that I am - unless there is any other business, does anybody have any other business?

Wolf-Ulrich Knoben: No.

Ray Fassett: Okay. With that I will ask that we adjourn - stop the recording and adjourn the call. And of course thank everybody for participating and Ken of course for all of your hard work on this.

Wolf-Ulrich Knoben: Yes. Thank you. Bye.

Ken Bour: Thank you all.

Avri Doria: Okay thanks. Bye-bye.

Ray Fassett: Bye-bye.

Ken Bour: Bye everybody.

END