

**ICANN San Francisco Meeting
NCPH
TRANSCRIPTION
Sunday 13 March 2011 at 09:00 local**

Note: The following is the output of transcribing from an audio. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record.

Steve Metalitz: Welcome everyone to the Non-Contracted Party House Meeting. I'm Steve Metalitz, Vice President of the Intellectual Property Constituency. And I'm going to be co-Chairing the meeting with Avri Doria so that both stakeholder groups are sharing in that.

I wonder if - I'm not sure if everybody knows everybody else. Could we just take one minute and have - go around and have people introduce themselves and then if there is anybody on the phone, they could introduce themselves too.

Rafik Dammak: Rafik Dammak from the NCUC.

Avri Doria: Avri Doria from the NCUC and Chair the NCSG Executive Committee.

Steve Metalitz: Steve Metalitz, IPC.

(Yakro): (Yakro)...

Man: Okay. Can you hear that? Is that coming through all right?

Woman: Yeah.

Man: Yes.

Avri Doria: Is that something remotely? We do hear something remotely? We're going around introducing ourselves at the moment. This is Avri.

(Daro Mustalobichi): (Daro Mustalobichi).

Bill Drake: Bill Drake, NCUC.

(Anikman Scalice): (Anikman Scalice), IPC.

Kristina Rosette: Kristina Rosette, IPC.

J. Scott Evans: J. Scott Evans, IPC.

Debbie Hughes: Debbie Hughes, NCSG, one of the proponents for the not for profit organizations constituency.

Mary Wong: Mary Wong, NCSG.

Marilyn Cade: Marilyn Cade, BC.

Claudio Di Gangi: Claudio Di Gangi, IPC.

(Graham Shecker): (Graham Shecker), BC.

Ayesha Hassan: Ayesha Hassan, BC.

Steve DelBianco: Steve DelBianco, BC.

(Lee Willis): (Lee Willis), BC.

John Nevett: John Nevett, BC.

Mikey O'Connor: Mikey O'Connor, BC and member of the working group band that will be playing on Tuesday night.

Wolf-Ulrich Knoblen: Wolf-Ulrich Knoblen from ISP Constituency.

Carlos Aguirre: Carlos Aguirre, NCUC I guess.

Jaime Wager: Jaime Wagner, ISPCP.

(Alan Ho): (Alan Ho), ISPCP.

Avri Doria: And can the people around the edge either come to the microphone because there is no other microphone. Just introduce yourself please. There should be a roaming mike. I guess there isn't, but.

Marika Konings: Marika Konings, ICANN staff.

Margie Milam: Margie Milam, ICANN staff.

(Ken): (Ken) (unintelligible).

Man: (Unintelligible).

Don Blumenthal: Don Blumenthal with PIR.

(Heather Forest): (Heather Forest), IPC.

Avri Doria: Thank you. Anyone remote? We did hear a remote voice earlier but we have no one on remote at the moment. Okay. If some does come to remote, they'll have to introduce themselves.

Steve Metalitz: Okay. Thank you. We did not prepare an agenda in advance for this meeting but you see in front of you some of the topics that have been suggested by (Walton) or another of the stakeholder group representatives.

I want to say that last one, elections by 9:30, doesn't mean we're going to hold the election by 9:30 but by 9:30 or by the middle of this meeting we need to switch to that topic which is developing a process by which this house will elect a member of the ICANN Board. And that process has to be completed by April 24. So we need to if we can reach agreement on what process would be followed.

So that's what we'll do at about halfway through. These other...

Marilyn Cade: It's actually a point of order if I might.

Steve Metalitz: Okay.

Marilyn Cade: Just for purposes of the remote participants or remote followers who may not be online, can I just verify that this session is being not only streamed but transcribed?

Avri Doria: I believe I was told that it was being streamed and transcribed.

Coordinator: This is the operator. This conference is being recorded.

Avri Doria: Correct.

Marilyn Cade: Okay. Thank you.

((Crosstalk))

Steve Metalitz: Thank you Marilyn. Okay. So the other three topics are do we have a common view on the role of the Council that we want to discuss? Do we have

a common view on the question of whether staff reports that are sent to the Board should be published and when they should be published?

And then the third issue is do we have a common view or would we like to discuss the priorities of the organization as exemplified by the recent announcement that a Vice President for Organization Effectiveness was appointed?

So those are the items that have been suggested but are there any other agenda items that people would like to suggest? Seeing none, why don't we - shall we move ahead on - I don't know, they were kind of arbitrary there. But we can - and I think if we can just move quickly through these and see if...

((Crosstalk))

Avri Doria: Yeah. And I think what will happen is if we see if there is a discussion and it wants to continue, then we'll have to figure out a way for it to continue beyond this one hour meeting because we only have one hour. Yes.

Marilyn Cade: It's Marilyn Cade. I would like to make a proposal that we spend 30 minutes on all of the topics and set aside 30 minutes to devote to the discussion about the Board election process and then go back to any other business if there'd be time left.

And I'd like - and I would propose to start with the publication of staff reports prepared and sent to the Board.

Avri Doria: Assuming nobody minds doing that - and also Marilyn pointed out a very good thing just by example that I wanted to remind that when you talk, introduce yourself again so that we all remember.

Okay. So if there's no issue, then we'll just do that one. Okay. So who wants to start? Yes. Marilyn and then...

Marilyn Cade: Thank you. Marilyn Cade speaking. And perhaps I'll just identify also that I'm represent - I am with the Business Constituency. The topic of making the Board reports that are prepared by staff then edited internally by other staff within ICANN and then sent to the Board that are relied on by the Board to make the governance decisions is something that I consider a very high priority.

And I have concerns about it for three reasons. First of all, the community - this is a bottom up consensus based, private sector led organization. And the community works very, very hard to participate in the development of the information that the staff support us on and helps to augment.

When they are - and they do prepare extensive reports for all of us in the stakeholder groups and in the SOs and ACs to support the synthesis of the work that has been done by the community.

My understanding of what happens next, and I really want this to be viewed as an outsider's understanding, is report - materials are developed internally within the staff and that one would expect that. But we're using the term now of staff is a very broad term which includes the General Counsel's office, et cetera.

Reports and summaries of the work we do at the policy level are prepared and sent forward. But those reports are not shared with the community in a way that we could identify any anomalies or accident oversights or missions or something that needs corrected.

That work needs to be published to the community and it needs to help inform the community as well as help the Board. Any information that is confidential can be redacted. And I think we also need to think about this as an additional burden on staff that's adding to their work and it's not necessarily actually improving the decision making of the Board if they are

getting different inputs than the community is basing their understanding and decisions on.

Avri Doria: Thank you.

Kristina Rosette: I was actually just going to say that it's my understanding IPC does not itself have a formal official position. I was just wondering if the NCSG did and if so, what it was?

Avri Doria: I'm actually trying to remember. I don't believe that we have - well, actually we haven't sat and figured out do we have a position on it. But I do believe that we have put out earlier a specific request as a group that this be done in our ATRT comments. And so those were NCSG comments that did include that as a point.

So while we haven't sat down and said at this moment what is our official position, I think in the past it has been that these things must be, you know, released and that it's wrong for them not to be. And we requested it both in terms of policy and in terms of anything that had to do with any of the constituency, stakeholder groups, SOs or ACs that if they were talking about us, we should know what they were saying.

So that was a position in the past that we haven't reviewed specifically for now.

Kristina Rosette: Okay. And I guess just - I guess you're recording this. This is Kristina Rosette. I don't want to make presumptions but it seems likely to me that there's probably general agreement within the house that the current practice is not acceptable and should not be continued.

And I guess next question is in the interest of time assuming this in fact is the correct assumption, where do we go? We do - how do we - what do we do? Do we write a letter to the Board? Do we, you know, start making a fuss in

other public fora? What do people think likely the best way to go about changing?

Avri Doria: That's a good question. I think your first suggestion of starting out writing a letter to the Board, the house, you know, signed by all the constituencies and stakeholder groups or however we frame it being from the house is a good - seems the place it would have to start because the house has never made a statement. Yes Marilyn. Anyone else? No. Oh the house has.

Oh that's right. That's right. So this would be a statement that I guess would refer back to that and go on from there. Yes Marilyn.

Marilyn Cade: I think speaking for the house would be excellent. I would also think that there probably would be support for this on the contracted party house. I'm not speaking for them but I would assume that there would be interest there as well. I'm not suggesting we delay doing our own statement but once we do it, it might be useful to just meet with the Chairs of the two - the contracted registry stakeholder and the registrar very briefly or share it with them by email.

Avri Doria: Yeah. That's probably a good idea. And that almost moves us into the next topic is if we went to all - to both houses, are we all of a sudden then saying is the GNSO statement being made and that almost brings us into the next topic. But...

Steve Metalitz: Can I suggest on this topic if there's general agreement that what our position is and that - and our mode of communicating it which would initially be a letter to the Board?

Could we have volunteers for a two person drafting committee, one from the non-commercial side and one from the commercial side to circulate something while we're here in San Francisco and hopefully get that letter dispatched to the Board? And if it's available, we could read it at the public

forum or whatever. But if we could have one volunteer from each side, I think we could do this rather quickly.

Avri Doria: Sounds good. Do we have a volunteer from each side? I see no hands going up. On the commercial is there a volunteer? Okay. Are there volunteers from the commercial side? I see Marilyn. Yeah, that, okay. And Kristina. Okay.

And from - and (Philip). So we got three. Okay. And do we have volunteers from the non-commercial side? Hold on. Okay. Got Mary. Got anyone else? Got to be another one at least. Thank you. Debra.

So we've got a five - and then if anyone else just didn't want to be - we got Debbie, Mary, Marilyn, Kristina and (Philip). Okay and they'll have something drafted for house members to look at like when? You said during this meeting. So okay. In the next day or two. Thank you. So we then move on to the next topic. Any problem with moving on to the next topic? Very little time here.

The role of Council common view. I mean what's basically is there's been a whole lot of discussions lately as to what is GNSO, what is Council, what can Council do, what are the constituencies and stakeholders doing and how is that role differentiated with a fairly widespread view I think I've seen on, you know, Council only does policy and has nothing to do with the rest of the GNSO to the GNSO Council is the Council of the GNSO and looks and policy and other stuff that is related to both houses to the whole GNSO.

And there seems to be - and so I'm just wondering whether as a house we've got a view on that and what. And this feeds into the discussion going on in the GNSO Council, what is its role? Does it have a very limited, does it this and what is it - and then it looks at its role externally also.

So that was the sort of topic that has been going around. And I know Marilyn has had strong opinions on it spoken often over the years. Strong did not preclude thoughtful. And so - yeah, please.

Steve DelBianco: Steve DelBianco. The question I would have is is this meant to be a descriptive exercise or a normative one? Are we trying to describe the role into existing bylaws and documents or are we trying to say what the role should be in the absence of documents?

Avri Doria: I think that's part of the question. I - what I know is that it's a discussion that's constantly burbling and I don't know whether, you know - I think it actually in a sense it becomes the same thing because one person describes it, some of their normative of what it should be is describing it's doing its job, it's not doing its job, it's going beyond its job, it's not - yes Marilyn.

Marilyn Cade: It's Marilyn speaking. I'm going to refer all of us to the bylaws. And I do in fact know what the bylaws say. And that is why I've held this view for some time.

The bylaws provide a different role for the GNSO Council than for the ccNSO Council. And I think we really can't have a conversation about what the role of the Council is without understanding what its present role is according to the bylaws.

I also do think that this conversation does need to take place more deeply probably within the two stakeholder groups before we have a in depth conversation about governance of the GNSO, which I think this is really what the topic is versus the role of the Council. Because the broader topic we were reengineered into stakeholder groups.

And I - we all - most of us lived through that. That was not necessarily the design that we chose. But it did happen. And the empowerment of the stakeholder groups does include their self-governance as a part of the GNSO supporting organization.

So, you know, I do think more in depth conversations about this are needed within each of the stakeholder groups. And I would say for your own purposes you might want to take a look at the different language that exists under the ccNSO and its Council and the different language that exists under the GNSO related to its Council.

Steve Metalitz: Yeah. This is Steve Metalitz. I think - Avri, I think your right. This conversation has been perking along for a while but I'm not sure that it's at a stage where we can contribute something useful to it at this moment as a house.

I wonder if those who have been engaged in this conversation actively would think about the possibility of preparing a paper that could be circulated prior to the next ICANN meeting and might form the basis for some discussion in the house - at the house meeting in Singapore.

I think that might be useful and maybe a paper like that could frame the issues and, you know, specify whether - are we talking about the role of the Council or are we talking about governance of the GNSO. You could set out those different bylaw provisions that Marilyn referred to so everybody would have them in one place.

I just throw that out as a question to the people who have been engaged in this discussion whether they would be interested in preparing such a paper and then we would devote, you know, a chunk of time to actually discussing it at our next meeting.

Avri Doria: I think it's a great idea. Others have a comment? Yes (Philip).

(Philip): I agree with you Steve. I think that would be very helpful. I mean is the debate that we want to have as much about defining the distinction between the roles of constituency house and Council where in particular perhaps role of that middle body, the house is the least one understood and most - I'm more

interested like in the bylaws and to see and perhaps try to draw some distinctions there which will perhaps give us greater focus of what we may believe a house should be doing in terms of separation.

Is that the nature of the debate that we want to have?

Avri Doria: Any comments? I think that as part of the paper that would probably be a good thing to, you know, because that - you know, you're right. That would be part of the puzzle. Any other comments on this? Any volunteers? I certainly - something that I would volunteer to help with. And I expect Marilyn would volunteer to help with, no. I don't want to presume on your time, but.

Would there be - and (Philip). Would there be other people who are interested in participating in that effort? We can figure that out afterwards if anyone thinks of, you know, wanting to participate in that. And certainly I would think of this as being one of those papers that, you know, would be put on a Wiki and perhaps set up so lots of people could interact with it once there was a first draft.

So the three or however many people do a first draft and then move on from there to a collective bit of work but we can talk about that. Yes.

Marilyn Cade: It's Marilyn speaking. I think rather than thinking about this as a paper, I'd proposed that we actually start out identifying the issues and questions. And so as an example, (Philip) referenced the term how. I think there may actually be a discussion about what is the role of the stakeholder groups in terms of its relationship to the multiple constituencies that may exist.

And I think the whole - it's a set - it's a set of questions. And where should questions be sent I think might be an exercise, you know, should be - CLO sends questions about the budget framework to the Council, which primarily focuses on policy.

Should it come - that's the kind of questions that I am hoping we're going to get some more certainty on. Because I think it helps improve the functioning of the SO and its ability to be influential and articulate within the ICANN governance process.

So I'm looking as much Avri for what guidance would come out of that to improve how ICANN interacts with the GNSO and how the GNSO supporting organization interacts with ICANN, which is...

Avri Doria: Yeah.

Marilyn Cade: ...a broader question than just policy.

Avri Doria: Right. And I think that's probably a good way to start the outline of the paper. But I feel that we've just now started working on the paper or whatever it is - the set of - it will probably be something that we can print on paper and people can look at and can be call a paper, whatever it is it has in it.

And I think we've just started on that so we should probably move to the next item since we're already at 9:30.

Steve Metalitz: Yeah. I think - I would suggest unless there's any further discussion on this, why don't we move directly to the elections issue?

Avri Doria: Okay.

Steve Metalitz: If we can, we'll get back to the organizational priorities question.

Avri Doria: Okay. So we have committee, right.

Steve Metalitz: Yes. We had a committee but I'm not sure that the - does the committee have...

Avri Doria: Who's the committee?

Steve Metalitz: I know some of the members were. I don't know if the - does the committee as a whole have any report to make? Okay.

Man: (Unintelligible).

Avri Doria: Okay. Great.

Steve Metalitz: Okay.

Avri Doria: Thanks.

Steve Metalitz: Good. Thank you.

Woman: I need some more (unintelligible).

Steve Metalitz: Wait. Are we talking about...

Man: (We) showing the paper.

Steve Metalitz: Showing the paper - okay. Now we're done with the paper. Now we're doing to talk...

((Crosstalk))

Steve Metalitz: So in default of a report from the committee and just to back up. This is the committee that was asked to come up with a process for the election that this house makes of a Board member and we have a deadline of April 24. So we don't have a report from that committee but I think we do have a proposal that Marilyn would like to put forward. And I think she has some of it on paper and she can - and I'd like to recognize here to present this proposal.

Avri Doria: And I just wanted to point out that I had made a previous proposal to the collective - the Chairs collective from the commercial stakeholder group and then sent it to the policy committee here but I did not print it on paper. So I'll only bring that in if it's in agreement (or not).

Marilyn Cade: Circulate it by email to meeting. So if you're a BC member, you should have this. So do you want...

Man: At least so I have the (unintelligible) passed around.

Marilyn Cade: Okay. Okay. Think of this as a proposed process because this is just a proposal. There are certain assumptions in it. Let me walk through them. It assumes that we're going to meet the deadline. It assumes that there will be time for multiple rounds if necessary. Hopefully that won't be necessary but if it is then I did assume that we would need to take that into account.

I start out with each stakeholder group nominates one candidate, and we can take questions as we go through it if you prefer. So each stakeholder group nominate one candidate. To win an election, the proposal is that a candidate must garner at least eight votes, two of which must be from each stakeholder group.

That means that hypothetically if the NCSG puts forward a candidate that candidate would have to get two votes from the CSG and vice versa. It also assumes that the votes are cast by the GNSO Council representatives along with the nominating committee appointee associated with the house.

So that would assume a total of 13 votes - 13 voters, perhaps I call them 13 voters. The - each of the two SGs plus the nominating committee appointed. The threshold number being eight but two from each house. And I think somebody who's better at math than I (think).

The announcement - we should open the nomination process shortly after the ICANN meeting. And the announcement of candidates for the ballot to be completed and I'm just proposing dates so please consider these flexible; April the 8th or some other date invite the candidates to submit a written statement which is kind of customary and hold a conference call that that each...

Man: (Unintelligible) hold on.

Marilyn Cade: Sorry.

Man: Yeah. Sorry. We got called on to troubleshoot a problem.

Marilyn Cade: Okay.

Man: (Unintelligible).

Marilyn Cade: Each candidate would be - would provide a written statement, that's pretty customary. I think we've done that in the past. And each stakeholder group could organize a conference call with the candidate.

I propose that Rob Hoggarth from the ICANN staff organize the calls for the stakeholder groups so that there's complete flexibility and neutrality in the scheduling and organizing. But that's just something that we are proposing because we prefer not to be trying to deal with - I'm proposing because I prefer not to be dealing with candidate schedules.

The - should be a discussion period within each of the SGs and I proposed April the 8th through 15th. So that would mean after people have heard from the candidates. After they've been able to read the statement, they would have a chance to talk among themselves and maybe even submit additional questions to the candidates.

Distribute a ballot on April the 15th. That's the day that - at least if you live in the United States you're aware of. Tax day.

Man: (Unintelligible).

Marilyn Cade: With a four day voting period. I proposed a short voting period because there are only 13 voters. And, you know, people may have trouble with that but I was trying to figure out how to maximize the ability to have multiple rounds.

We propose that as usual Glen de Saint Gery who's the GNSO Secretariat conduct the closed ballot using email. She would then do the tally and announce the winner to the house and then to the Council and Board. And if no candidate wins the first round, subsequent rounds would take place.

And if we did - I, you know, in the past there has been a provision for in the subsequent round for an SG to change its candidate. If we do that, then we'd have to talk about how a new candidate would be able to submit a statement of interest and the - Glen would need to modify the ballot and send out the modified ballot. So that discussion would need to take place with Glen just making sure that she is prepared to do that.

Complete the election then by - I think actually this proposed that the, you know, the election would be done well before the 24th so that the announcement can be made to the Board within the timeframe required.

Avri Doria: Wendy.

Wendy Seltzer: So I have several questions some of which are spurred by this option to change the nominee and I wonder how that fits into the scheme of discussions and conference calls. Does it launch a new process that begins with - at the conference call? A written there?

Marilyn Cade: You know, Wendy, I put that in there because it has existed in previous nomination processes. And I would assume it would only happen if there's no winner on a first or second round. So it's an extraordinary measure. And if you noticed, I said we'd have to work out how the process would change.

Steve Metalitz: Kristina. Please identify yourself.

Kristina Rosette: Oh sorry. I'm Kristina Rosette. I have I guess three questions/comments. Am I correct in understanding that if we go to a second round that the requirement of winning at least eight votes, two from the other stakeholder group is going to continue to apply?

In other words, am I correct in understanding you're not doing what we did for Vice-Chair, namely a kind of the leading candidate versus not that person I guess is the first question. Is that the plan?

Avri Doria: That's - in this proposal it's that way.

Kristina Rosette: Okay.

Avri Doria: Certainly the proposal I was making no, it was following that same pattern.

Kristina Rosette: Okay.

Avri Doria: So in other words...

Kristina Rosette: Okay.

Avri Doria: ...the proposal that we were making I believe that I had the support and history of making is that we would follow exactly that same pattern of a candidate from each and then the prevailing candidate against none of the above.

And then if none of the above won, well yeah, then you really do need two new candidates...

Kristina Rosette: Okay.

Avri Doria: ...because the candidates have both failed. So that was the proposition - the proposal that we were making that I tend to favor over my first reading of this.

Kristina Rosette: Okay. And I guess on - that is helpful. And I guess the next thought I would have is just speaking personally for a four day voting period that starts on that day is going to be very difficult for me. So I don't know if we could perhaps start it a little earlier just to ensure that I can actually vote.

And third my - I understand the reasoning behind having the option to change a nominee but I guess my question is is that if we do that, it seems to me that it may be appropriate to limit - to have a broader nomination period at the beginning so that any subsequent nominee is somebody who has previously been introduced because given the timeframe, I don't think we're going to have the flexibility of that point to kind of go back to the whole, you know, written statement process.

It's going to - you will have to draw from the existing pool. And so it may be that the existing pool of the initial candidates is broader than just one from each house. Just something to think about.

Steve Metalitz: Okay. I think Wendy still had some questions. I'm sorry if I...

Woman: Okay. Yes. I'll (unintelligible).

Steve Metalitz: ...knocked you out of order. So let me ask Wendy - let's take a queue if there are others that have questions. Okay. Mary, (Philip), Ayesha. Wendy go ahead.

Wendy Seltzer: Yeah. I just asked Avri to put her proposal up on the screen so that we can have that as a reference because I would recommend the - we start out with - I think starting with a pool of candidates is good one and let everybody engage in the discussions and then be - sort of narrow the field as we go to candidate or candidates.

I think that doing it in rounds of multiple candidates to the leader against none of the above sounds like a good way to bring the process towards consensus rather than reintroducing new people into the process and...

Kristina Rosette: Just to clarify Wendy, what I was thinking is that potentially you could have six or seven candidates total from the house and that ultimately at least before we get to - before the balloting you would have to have each stakeholder group indicate who its nominee for that round would be because I just am concerned I think timing wise we may not have time to do multiple rounds of voting to try and go from a pool of eight to ultimately two.

So I was thinking say six candidates self-nominate. By the time of the first ballot each stakeholder group has to support one. If it turns out that no one (unintelligible) that then the stakeholder group if it wants to can go back to the broader pool of candidates but it has to be from that broader pool.

I'm just thinking timing wise. We just don't have more time.

Wendy Seltzer: So another option to throw into the mix is to use a preferential voting system that - where we rank both and condense the multiple rounds into one that if - as we rank the candidates they sort themselves into the result that we would otherwise achieve by multiple rounds.

I'm not sure that we gain by having each stakeholder group endorse a candidate because we have two stakeholder groups, each of them has 50% minus one person who comes from the nominating committee and I don't know what we gain by forcing a candidate to come from a house - whatever

we're calling these things - a stakeholder group and then to broaden his or her appeal to the entire population here. Why can't we...

Avri Doria: So that's a fair proposal yet again.

Wendy Seltzer: Yes.

Avri Doria: Okay.

Steve Metalitz: So Avri has put up on the screen her proposal. So do you want to just...

Avri Doria: Yeah. I go...

Steve Metalitz: ...briefly through that...

Avri Doria: ...through it quickly and then I'll try to make it bigger. I can't do both at the same time. I had had a Step A that had an incumbent election of basically (Rita) against none of the above and figuring, you know, if - but I've been told by so many people that they don't believe that (Rita) wants to run. And I've also been told by many people that they hated the idea of the incumbent election and I've just dropped it off the proposal at the beginning.

And I thought it was the easiest and - buy anyway. So then basically this was - follows the patten that we followed for the - basic patten for the Vice Chair is that each of the two stakeholder groups was a candidate. Eight wins and yeah I have John and then (unintelligible).

Okay. You'll go to - so you have John in your queue? Because I have John in my queue and you might as well add Carlos and so then we just keep one queue. Cool.

And then it was eight. It was a flat eight. It was not an eight but there have to be two from one constituency or two from one stakeholder group. It was just a

flat eight. And then if none of them got eight, then the prevailing candidate went - if the prevailing candidate lost to none of the above, then people really did have to pick two new candidates and then go on. So that was the proposal I put in and...

Steve Metalitz: Okay. Thank you. So we have a queue and I think questions are open on either proposal. And I have Mary, (Philip), Ayesha, John, Carlos. Does anybody else want to get in the queue?

Wolf-Ulrich Knochen: Wolf.

Steve Metalitz: Wolf. Okay. So let's start with Mary.

Mary Wong: Thanks Steve. And actually this wasn't so much about the process but going back to the date issues because April 24 is Easter week and that might be a problem for some people. So if we're going to do the multiple rounds whichever process we choose, then I do think we need to either move up the voting period as Kristina has suggested or find a streamlined process.

Steve Metalitz: Thank you. I will say April 24 is the one date we don't have any control over because that's the bylaws. (Philip).

(Philip): You know, I find myself pinching myself likely as I'm saying I'd like to agree with Wendy. In the - it's like - because we're choosing a Board candidate who is supposed to represent the organization as opposed to us, I find it slightly strange we're starting the process with a one candidate from one side and one candidate from the other, which struck me philosophically as wrong.

If we're going for the concept of pool of candidates and we believe that indeed a - perhaps an election process we want to somehow express preferences to that pool. Given the timetable and I suspect that (unintelligible) voting system seems to be the most logical outcome. And again, that's sort of

very hard for me to say. But it just seems to be practical in this case. Thank you.

Steve Metalitz: Thank you (Philip). Ayesha.

Ayesha Hassan: Thank you. I was going to bring up the timing issue that Mary has brought up. And I also think that the proposition of a preferential voting system might be something to consider going forward.

And I was also wondering if we are leaving enough time for the election period - the discussion period because we might want to consider who the candidates end up being and whether we can schedule all of those candidates teleconferences within the time period that we've allocated. Thanks.

Steve Metalitz: Okay John.

Man: (Unintelligible).

Avri Doria: Clarification. Rank choice voting is the same as preferential voting system.

Man: That's my assumption.

Avri Doria: Okay. I just...

Woman: The former resident of Cambridge, Massachusetts I like the preferential voting system.

Avri Doria: I don't think she's made an official response yet. So there's been lots of private...

Man: (Unintelligible) can we send an emissary to ask.

Kristina Rosette: With all due respect, I have had informal conversations with her and it's my understanding that she is not interested in running again and to be perfectly candid, I will of course vote the will of the constituency. But after her performance in Brussels, I would have some very difficult issues doing that.

John Nevett: (Unintelligible).

Steve Metalitz: Well John, I suggest you ask her then.

John Nevett: Okay.

Steve Metalitz: Carlos. And if you'll report back to us if she says anything different than what she's told others around this table which is that she's not running then you'll let us know.

John Nevett: Sure.

Steve Metalitz: Thank you. Carlos, Wolf and then somebody else wanted to be recognized I think. No. Okay. Carlos.

Carlos Aguirre: Thank you. Carlos Aguirre speaking. I have a difficult situation. What happened if only two candidates tie? And how many rounds do you set if anyone achieve one vote more?

Avri Doria: You're right. The only way a tie can happen is if everyone that's entitled to vote doesn't vote because we have 13 votes. So you're right. The presumption has been that all of our Council members will do their duty and vote and that we didn't add an abstain to allow them to vote for no one - for none of the above.

Steve Metalitz: Avri, I think at least under A and B - under the two of the three proposals up there, that can't happen because you have to get eight votes. So with an electorate of 13, you might fall short of eight.

Avri Doria: Right.

Steve Metalitz: But you won't tie.

Avri Doria: Right. As I was saying, the only way you tie is if somebody doesn't vote.

Steve Metalitz: And in that case neither candidate would qualify anyway because neither of them would have gotten eight votes, so.

Man: But then you keep having a round with them so again it becomes the...

Steve Metalitz: yes.

Man: ...question how often.

Steve Metalitz: Now the preferential voting system I suppose it's theoretically possible you could have a tie.

Avri Doria: We've got less than 15 minutes. We really have to come out of this room with a system at least or not. Perhaps we've got more time. I don't know.

Steve Metalitz: Let's complete our queue, which is Wolf and Marilyn and then see where we are.

((Crosstalk))

Jaime Wagner: This is Jaime and I have doubt that I would like to be preferential voting in exactly what?

Avri Doria: Wendy can you respond?

Wendy Seltzer: While we would have to choose a particular system by preferential voting I mean each voter ranks the candidates one through N and those rankings are used to determine which candidate satisfies the preferences of most voters.

Jaime Wagner: Thank you.

Steve Metalitz: Wolf.

Wolf Ulrich-Knoben: Thank you. Wolf Ulrich-Knoben speaking. Just (on the suggestion) I'm not in favor of that really (unintelligible) saying that. But my timing is one critical and I would say and the other one is from my experience if the Council elections so for Chair and Vice Chair, I'm satisfied with that.

So this type of election (unintelligible) the Chair and Vice Chair that means finding the one who gets the most votes in the first or second or whatever round. So it would count against nobody else. And yes - okay. That's my preference.

Steve Metalitz: Marilyn and then we need to assess where we are and what next steps.

Marilyn Cade: I have two comments. One is I don't support the preferential voting because I have seen it used and I think it can either be gained or it's very complicated to prevent that. So that was my first comment.

My second comment is I think we need to spare two minutes to say if we don't come to an agreement on a procedure this morning then we need to set aside another gathering of some representative group to take the work further and try to conclude it in the next 24 to 48 hours.

Steve Metalitz: Okay. Thank you. So that's a proposal for next steps. It seems clear to me we have three proposals on the table now I guess. We have Marilyn's proposal, Avri's proposal and Wendy's proposal. We've had a lot of statements pro and con on all three of these.

So I'm not sure that - I don't think we're going to be able to resolve this in the next five minutes. So I wonder if we could again constitute a group that will work on this over the next 24 or 48 hours and then we can either by email or if necessary we can get together in person just to try to ratify or not what they've come up with.

So I guess my suggestion is a two process. One is let's say three delegates from each stakeholder group and then trying to set a time when if necessary we can meet again face to face to try to wrap this up. That's my suggestion.

Avri Doria: Yeah. I think it's probably a good suggestion. I would recommend that out of the three from each group, those who have proposed something probably want to be involved. So...

Steve Metalitz: That would leave us with one more on the...

((Crosstalk))

Avri Doria: And two on the...

Steve Metalitz: And Steve had a comment I think.

Steve DelBianco: Steve DelBianco. Article 6 of the bylaws does lay out six specific criteria that has to be sought when we try to elect a board member whether it's nominating committee or SO. And the criteria are quite detailed. And of course the ATRT review team went into it.

I think it argues for the broadest possible set of candidates so that we can find the candidates whose characteristics closely match this list of six in the bylaws. It's too tough to try to find all that in just one person. So we're going to have to look at people and say they have most of the qualities necessary.

- Avri Doria: So you're arguing for one aspect of the pool. And I think what's going to happen is all these things are going to go into a bucket. Were you also volunteering to be one of the - I mean I don't know.
- Marilyn Cade: Avri I think what I would prefer we do Steve is let the CSG huddle and decide who are three candidates are by the (unintelligible).
- Steve Metalitz: Okay. So we will do that and you will do that - I'm sorry. Carlos.
- Carlos Aguirre: Trying to - I think there are only two items to be decided. The first one is a pool or one nominee for each SG. And I think by the - that the pool will - or is anybody in favor of only one candidate of each SG? No. Okay.
- Steve Metalitz: Now that we've - people are ready to as it were vote on it at this point.
- Carlos Aguirre: Okay.
- Avri Doria: But you're right. That is one of the determinations.
- Carlos Aguirre: I thought that there is one person that is against so okay.
- Steve Metalitz: Okay. So then each side will come up with its team of three...
- Avri Doria: Yeah.
- Steve Metalitz: ...or fill out its team of three.
- Avri Doria: By noon.
- Steve Metalitz: Yeah. By noon today if possible. And I think - I don't know when people - we can look at the calendar as far as what time we would like to try to reserve for a - for reconvening if necessary. I suppose Tuesday - late Tuesday afternoon might be a possibility. But...

Avri Doria: With everything that's going on Tuesday?

Steve Metalitz: Well everything's going on every day so I'm not sure there's every going to be a good time. But we'll figure that out.

Avri Doria: Right. And perhaps - I mean if it just - if the six come up with something before Tuesday morning and then Tuesday morning it can be gone over in all of the separate meetings and then only if there's we don't buy what you six did, (unintelligible) do we really have to get together if all the...

Steve Metalitz: Of course some of the separate meetings aren't even happening because of the schedule disruption. So all right. We'll do our best. So we will - Avri and I will exchange lists by midday today and that team will be tasked to come up with an equitable fair and balanced solution that everyone will agree to and we'll get that ratified before we leave San Francisco. That's easy.

Okay. It's now one minute until 10:00. And...

Woman: (Unintelligible).

Steve Metalitz: Okay. Well, you know, everybody has their own...

Avri Doria: Everyone has...

Steve Metalitz: ...time zone here. Okay. So unless there are any other - I think we'll have to forego anything else on the agenda. And unless there's any other comments, we'll adjourn the meeting. Thank you.

Man: Thank you.

Woman: We got more done...

END