

00:27:24 Nathalie Peregrine: SPS Required Reading here
:https://drive.google.com/drive/u/0/folders/14Z-GFdQ5Su-lQgriQVGaX9clA9Op4_Ld)

00:30:01 Nathalie Peregrine: Please note, I am muting phone lines and microphones as background noises occur, please remember to unmute both your phones/mics as well as the icons next to your names in the Zoom room if you have any questions/ comments.

00:30:44 Maxim Alzoba: hello all, can not use mic (midnight)

00:30:56 Rafik Dammak: Hello all

00:31:03 Nathalie Peregrine: @maxim, noted, thank you

00:31:21 Sam Lanfranco: Having trouble with audio. May leave and return.

00:31:23 Maxim Alzoba: misfortunate timing for me (IDN call is in 6 hours)

00:32:19 Nathalie Peregrine: @sam, noted, please let me know if you need assistance

00:32:39 Osvaldo Novoa: Hello all, sorry I'm late.

00:33:11 Sam Lanfranco: am back

00:33:54 Nathalie Peregrine: Welcome Osvaldo and welcome back Sam :)

00:37:47 Maxim Alzoba: quiz on operating procedures as team building? :)

00:38:56 Julf Helsingius: It is good in-flight reading...

00:39:28 Maxim Alzoba: +1 , I did so last year

00:40:18 Heather Forrest: @Maxim, you're an Ops Procedures rockstar!

00:41:01 Rafik Dammak: I guess that is because the annex for seat #14?

00:41:07 Rafik Dammak: Board seat

00:41:13 Mary Wong: @Rafik, I believe so, yes.

00:41:39 Julie Hedlund: Yes, that's correct

00:41:51 Flip Petillion: Thx !

00:42:12 Heather Forrest: No changes needed to the Ops Procedures coming out of the guidelines and templates, thankfully.

00:42:12 Flip Petillion: Yes Thx !

00:42:17 Pam Little: @Flip - There is a table of version control at pps 35-39

00:42:21 Julie Hedlund: What Heather said :-)

00:42:21 Mary Wong: @Flip, there is an archive on the website:
<https://gnso.icann.org/en/ongoing-work/procedures-archive.htm>

00:42:57 Mary Wong: I haven't checked recently, but all the previous versions should be there (though possibly not in redline, sorry).

00:43:02 Carlton Samuels: I read them when I applied to the Nom Com. I would agree there might be some operational gaps. Philosophically and to me, a book with greater detail might just be good enough for automatons.

00:52:25 Becky Burr: I'll stick to the picket fence

00:52:40 Keith Drazek (Verisign): Ok!

00:53:06 Becky Burr: Or maybe not ...

00:54:20 Johns McElwaine: Great points re: NTIA @Heather

00:57:13 Mary Wong: In case it's helpful, a few of us the Policy Team support the Empowered Community as a whole and the Empowered Community Administration, working together with ICANN Legal.

00:57:52 Heather Forrest: The deck on EC responsibilities is critical reading for any Councilor (including old timers!). As we worked on developing various guidelines and templates

for the GNSO over 2019, I realised there was much I took for granted or didn't understand fully about these powers. I offer my own mea culpa as encouragement for you all to get on top of this one rather than be caught out not knowing at a moment when you need to ;)

00:58:12 Steve Chan: Sharing again for those that joined after Nathalie shared in chat. Required reading for this pre-SPS webinar here:

https://drive.google.com/drive/u/0/folders/14Z-GFdQ5Su-IQgriQVGaX9clA9Op4_Ld

00:58:46 Steve Chan: Including the deck Keith and Heather have mentioned.

00:59:06 Flip Petillion: @Heather: i learn every day

00:59:45 Heather Forrest: No problem, Keith

01:06:50 Mary Wong: From observing how each of the Decisional Participants have approached this in trying to update their internal processes, it does seem that the GNSO's size, diversity and cadence/volume of work made it particularly challenging for the GNSO.

01:07:43 Keith Drazek (Verisign): Noted Mary, thanks!

01:08:27 Tom Dale: Always harder in a "federation" structure.

01:10:16 Mary Wong: @Tom, yeah. And here, there's really two layers: (1) each Decisional Participant's internal processes (which, for all 5, needed to either be updated or created); and then (2) all 5 coming together as the EC through the EC Admin. Add the very tight deadlines and complex procedures to exercise EC powers under the Bylaws and it gets complicated ...

01:10:58 Johns McElwaine: @Heather would it be worthwhile to go through a mock use of the EC powers?

01:12:56 Johns McElwaine: that was an easy one though. ;). let's do a challenging one

01:13:04 Mary Wong: The ccNSO actually did a mock exercise (I think twice) before it kicked off the power Heather just mentioned - not that it was planned, but I've heard feedback that they thought the exercise was helpful.

01:20:17 Keith Drazek (Verisign): Totally appropriate!

01:21:26 Heather Forrest: Thanks, Mary - very helpful. Indeed, it was up to us as the GNSO to figure out on our own how we carry out our responsibilities. The Bylaws only gives us some high-level requirements.

01:22:26 Heather Forrest: To be continued...! Looking forward to seeing you all in LA.

01:22:48 Becky Burr: that's an understatement

01:23:46 Heather Forrest: Nothing from me, Keith

01:23:48 Heather Forrest: Thank you

01:24:23 Mary Wong: Except for the annual budget power, the need/opportunity to exercise the other powers is unpredictable and (hopefully) infrequent. The thing is, once it hits, the Bylaws timelines for the EC are really tight, for the most part.

01:24:59 Heather Forrest: Thanks, Keith - another topic with, as yet, more questions than answers! Plenty for you all to discuss here in LA.

01:25:04 Keith Drazek (Verisign): Time check: We have 30 minutes left for 3 topics, including Becky's preso on the Picket Fence.

01:27:54 Keith Drazek (Verisign): It doesn't feel short! ;-)

01:31:41 Keith Drazek (Verisign): Amen to that; nothing gets done without our ICANN colleagues.

01:31:47 Maxim Alzoba: there is no way out of the sausage machine

01:35:42 Heather Forrest: We have quite some way to go to getting ICANN Org to understand that the GNSO community is represented by a 3-person Council leadership team and by SG/C leaders, not just a Council Chair.

01:36:32 Heather Forrest: The burden of a highly effective Council leadership team, now that we've institutionalised working as a team, is that Councillors get a bit sloppy and assume: Leadership will do it!

01:40:23 Pam Little: Thanks for the comment/observation, Heather.

01:40:40 Pam Little: This is what I found in the Operating Procedures:

01:41:16 Pam Little: Specific Councilor obligations include:

a. Active participation: a Councilor is expected to actively participate in the regular affairs of the GNSO Council including, inter alia, attending its scheduled meetings, staying abreast of the technical and administrative agenda, engaging in relevant email and live discussions, reading minutes, evaluating reports, listening to meeting recordings (in the event of absence), asking questions that foster learning, voting responsibly on all matters before the Council, and periodically reviewing the performance of the Chair and Vice-Chairs.

b. Reasonable inquiry: Councilors should request and receive sufficient information, including support from their Constituencies or Stakeholder Groups, as appropriate, so Councilors may carry out their responsibilities. When a problem manifests itself or some issue does not make sense, a Councilor has a duty to inquire into the surrounding facts and circumstances and seek guidance.

01:53:03 Heather Forrest: One thing I like to remind myself always (as a non-contracted party) is that this power that the community has to develop policy that ends up in the RA or RAA is a complete legal unicorn. The doctrine of privity of contract says that only the parties to a contract (for us, ICANN and a registry operator, or ICANN and a registrar) can decide what the terms of their contract are. What we're doing here in the GNSO Council, what Becky is describing, is a fundamental overriding of that doctrine, allowing those who are not party to that contract to have a say as to what's in the contract. This is a BIG deal that is truly legally unique.

01:54:32 Keith Drazek (Verisign): Well said, Heather!

01:55:23 Mary Wong: @Heather and @Becky - to follow up in confirmation. The nett result is that there are only two ways to impose binding obligations on ICANN's Contracted Parties: (1) via express bilateral contractual provisions; and (2) via automatically-binding (if approved by GNSO Council and then the Board) Consensus Policy (capital C and capital P).

01:56:35 Flip Petillion: Let's not forget that the limits of possible contracts ICANN and parties can enter into, follow a community comment period.

01:59:06 Steve Chan: As you're all probably aware, there is a more detailed set of picket fence slides in the Required reading folder, which covers some of the additional information Becky is talking about.

02:00:54 Becky Burr: I'm always happy to discuss this and I will be in LA

02:01:01 Becky Burr: yes, on the 23rd

02:03:10 Steve Chan: As a reminder, the high-level agenda was shared on the 20th, so it may have gotten lost in the shuffle of the holidays.

02:03:18 Steve Chan: 20th of December of course.

02:03:32 Sam Lanfranco: Thanks to everybody and good luck in L.A. See my blue sky note on the list - to follow.

02:03:43 Pam Little: Thank you all

02:03:49 Pam Little: See you in LA

02:03:49 Flip Petillion: Thanks

02:03:51 Julf Helsingius: Thanks all!

02:03:53 Marie Pattullo: Thanks everyone

02:03:58 Carlton Samuels: Thank you all

02:03:58 Tom Dale: Thank you