



**2006 ICSOM Conference  
Hilton Downtown Hotel  
Nashville TN**

**Wednesday, August 16, 2006**

ICSOM Chair Jan Gippo (St. Louis Symphony) introduced the 2005-06 ICSOM Governing Board, Electronic Media Committee Chair and the conference coordinators:

Bruce Ridge, ICSOM president (North Carolina Symphony)  
Laura Ross, ICSOM secretary (Nashville Symphony Orchestra)  
Michael Moore, ICSOM treasurer (Atlanta Symphony Orchestra)  
Richard Levine, editor *Senza Sordino* (Sand Diego Symphony Orchestra)  
Stephen Lester, ICSOM governing board member-at-large (Chicago Symphony Orchestra)  
James Nickel, ICSOM governing board member-at-large (Dallas Symphony Orchestra)  
Meredith Snow, ICSOM governing board member-at-large (Los Angeles Philharmonic)  
Nancy Stutsman, ICSOM governing board member-at-large (Kennedy Center Orchestra)  
Leonard Leibowitz, ICSOM legal counsel  
Bradley Mansell, 2006 ICSOM conference coordinator (Nashville Symphony Orchestra)  
Robert Levine, assistant conference coordinator (Milwaukee Symphony Orchestra)

Laura Ross read the roll call of member orchestras (*not in attendance in italics*):

Alabama Symphony Orchestra	Jeff Solomon
Atlanta Symphony Orchestra	Michael Moore
Baltimore Symphony Orchestra	Mary Plaine
<i>Boston Symphony Orchestra</i>	<i>Lawrence Wolfe</i>
Buffalo Philharmonic Orchestra	Robert Prokes
Charlotte Symphony Orchestra	Bob Rydel
Chicago Lyric Opera Orchestra	Matthew Comerford
Chicago Symphony Orchestra	Rachel Goldstein
Cincinnati Symphony Orchestra	Paul Frankenfeld
<i>The Cleveland Orchestra</i>	<i>Henry Peyrebrune (on tour)</i>
Colorado Symphony Orchestra	Martin Sher
Columbus Symphony Orchestra	Michael Buccicone
Dallas Symphony Orchestra	James Nickel
Detroit Symphony Orchestra	Brian Ventura
Florida Orchestra	Warren Powell
<i>Florida Philharmonic Orchestra</i>	<i>Jay Bertolet</i>
Fort Worth Symphony Orchestra	Lesley Cleary
Grant Park Symphony Orchestra	Eva Carol Beck [for Michael Shelton]
Honolulu Symphony Orchestra	Steve Flanter
Houston Symphony Orchestra	Eric Arbiter
Indianapolis Symphony Orchestra	Greg Dugan
Jacksonville Symphony Orchestra	Barbara Engle
Kansas City Symphony	Ho Anthony Ahn
Kennedy Center Orchestra	Nancy Stutsman
Los Angeles Philharmonic	Meredith Snow
Louisville Orchestra	Daryl Johnson
<i>Metropolitan Opera Orchestra</i>	<i>Marvin Topolsky</i>
Milwaukee Symphony Orchestra	Robert Levine
<i>Minnesota Orchestra</i>	<i>Paul Gunther (on tour – Mary Plaine - proxy)</i>
Nashville Symphony Orchestra	Lee Levine
National Symphony Orchestra	Ira Gold [for Jeffrey Weisner]
New Jersey Symphony Orchestra	Bob Wagner
New York City Ballet Orchestra	Ethan Silverman

*New York City Opera Orchestra*  
*New York Philharmonic*  
North Carolina Symphony  
Oregon Symphony Orchestra  
*Philadelphia Orchestra*  
Phoenix Symphony Orchestra  
*Pittsburgh Symphony Orchestra*  
*Puerto Rico Symphony Orchestra*  
Rochester Philharmonic Orchestra  
Saint Louis Symphony Orchestra  
Saint Paul Chamber Orchestra  
San Antonio Symphony  
San Diego Symphony Orchestra  
San Francisco Ballet Orchestra  
San Francisco Opera Orchestra  
San Francisco Symphony Orchestra  
Syracuse Symphony Orchestra  
Utah Symphony  
Virginia Symphony

*Gail Kruvand*  
*Kenneth Mirkin*  
Elizabeth Lunsford  
Dolores D'Aigle  
*Jennifer Haas*  
Ron Whaley  
*Lorien Benet Hart*  
*Emma Matos Rodriguez*  
David Angus  
Bradford Buckley [for Christian Woehr]  
Earl Yowell  
Emily Watkins  
Richard Levine  
Thalia Moore  
Leslie Ludena  
Cathy Payne [for Linda Lukas]  
Jon Garland  
Stephen Proser [for Lynn Maxine Rosen]  
Tom Reel [for Jennifer Snyder]

Bill Foster, ICSOM Electronic Media Committee chairman & AFM-EPF Trustee (National Symphony Orchestra)

Bruce Ridge read a letter of regret for failure to attend the conference by Boston Symphony Orchestra delegate, Larry Wolfe.

Jan Gippo asked for approval that the Florida Philharmonic remain in suspended status for the next season. No objection.

Gippo introduced additional guests to the conference:

**OTHER AFM PLAYER CONFERENCES:**

Tom Fetherston, president, Regional Orchestra Players' Association (ROPA)  
Dan Blackman, 1<sup>st</sup> vice president, Organization of Canadian Symphony Musicians (OCSM)  
Bruce Bouton, vice-president, Recording Musicians of America (RMA)

**AMERICAN FEDERATION of MUSICIANS:**

Tom Lee, AFM president  
Harold Bradley, AFM vice president/president, Local 257, Nashville TN  
Sam Folio, AFM secretary-treasurer  
Hal Espinosa, AFM IEB, president, Local 47, Los Angeles CA  
David Lennon, AFM IEB, president, Local 802, New York NY  
Laura Brownell, director, Symphonic Services Division (SSD)  
Nathan Kahn, AFM SSD negotiator  
Chris Durham, AFM SSD negotiator  
Deborah Newmark, AFM SSD, director, Symphonic Electronic Media  
Mark Tetreault, AFM SSD Canada, director, SSD Canada

**OFFICERS OF AFM LOCALS:**

Billy Linneman, secretary-treasurer, Local 257, Nashville TN  
Douglas Fisher, president, Local 103, Columbus OH  
Lovie Smith-Schenk, president, Local 65-699, Houston TX  
John DeWitt, executive board, Local 65-699, Houston TX  
Michael Largenticha, president, Local 677, Honolulu HI  
Gary Matts, president, Local 10-208, Chicago IL  
John Lindberg, president, Local 125, Norfolk VA  
Gordon Stump, president, Local 5, Detroit MI  
Teresa Gafford, secretary-treasurer, Local 161-710, Washington DC

**SPEAKERS:**

Peggy Leibowitz, guest speaker  
Patricia Polach, attorney, guest speaker  
Barbara Haig, AFM communications consultant, guest speaker  
William Moriarity, AFM Symphonic Representative in St. Louis  
Alan Valentine, president & CEO, Nashville Symphony Association

**OBSERVERS and OTHER GUESTS:**

Brian Rood, former ICSOM president/Kansas City Symphony  
Matthew Johnson, observer, Kansas City Symphony  
David Gruender, observer, Indianapolis Symphony  
Ken Hafner, observer, Honolulu Symphony  
Joan Totusek, observer  
Carrie Bailey, member, Nashville Symphony  
Mary Helen Law, member, Nashville Symphony  
Kristi Seehafer, member, Nashville Symphony  
Clare Yang, member, Nashville Symphony

**Conference dedication:**

**The following resolution (#1) dedicating the 2006 ICSOM conference to the memory of Bill Roehl was adopted by unanimous consent. [Motion #1 – Governing Board]**

Whereas, Some of the most important contributions to the International Conference Symphony and Opera Musicians (ICSOM), the American Federation of Musicians (AFM), and the quality of the working lives of musicians in general, have been made by men and women who could not play a note of music; and

Whereas, Many of these men and women have, nevertheless, marched to the beat of the same drummer in other respects; and

Whereas, One of those “legends” of the labor movement was Bill Roehl, a gifted and dedicated trade unionist who understood that musicians were workers as well as artists, and in recognition thereof gave of himself to further the goals and aspirations of ICSOM and its constituent orchestras in ways he knew best, that is - the traditions and practices of true and honest trade unionism; and

Whereas, The current structure of the Player’s Conferences and their relationship with the American Federation of Musicians was formulated from the vision and creativity of Bill Roehl; and

Whereas, This past year saw the untimely passing of this mentor and friend; therefore, be it

Resolved, That the delegates to the 2006 ICSOM Conference hereby express their esteem and gratitude for all he gave us, and do herewith dedicate this 2006 Conference to the memory of Bill Roehl, may he rest in the peace and tranquility he so richly deserves.

**Bradley Mansell**, a cellist with the Nashville Symphony and the 2006 Conference Coordinator welcome the delegates, officers and guests to Nashville.

**Alan Valentine**, President and CEO of the Nashville Symphony Association welcomed officers, delegates and AFM officials to Nashville and spoke about the numerous improvements in staff, orchestra, salaries, budgets, recordings, and the Symphony’s new home. He spoke about Martha Ingram, the city’s greatest arts patroness, and the success of their community participation raising money for Schermerhorn Symphony Center.

**Harold Bradley**, President of the Nashville Association of Musicians, Local 257 AFM and Vice President of the American Federation of Musicians welcomed everyone and gave a brief history of Nashville. He spoke of the importance of ICSOM to its members and to the Federation.

Prior to approval of the minutes, Mary Plaine (Baltimore Symphony) identified one typo. With that correction the Minutes of the 2005 Conference were approved.

**Chairman’s Report - Jan Gippo**

Jan Gippo (St. Louis Symphony) spoke about his accomplishments and his work to unify ICSOM the past 4 years as he prepares to step-down from his position as chairman of ICSOM. He spoke about some of the committees he appointed, and spoke about other changes and improvements he had implemented, including development of an ICSOM logo, pins and pencils. He spoke about the activities of the ICSOM Electronic Media Committee, the facilitation of negotiating orchestra conference calls, his visits to Puerto Rico and to South Florida, the governing board’s activities regarding a touring code of ethics, his participation on the Orchestra Statistical Review (OSR) process along with the AFM, ROPA and the ASOL, and the importance of unity and solidarity by ICSOM’s member orchestras.

Gippo spoke of his attempts to think globally, to be ahead of technologies, and believes ICSOM should set the agenda – not the AFM or ASOL. He spoke about spreading the good news about our industry to the public. The AFM recently hired a public relations consultant but we need more to spread the message about symphonies to the entire country. He thanked the delegates for their support and received a standing ovation at the end of his address.

**Announcements:** Saturday’s session was changed to begin at 9:00AM due to enhanced airport security. Breakout session topics (and moderators) were announced - negotiations (Len Leibowitz, media (Bill Foster and Debbie Newmark), education and outreach (Cathy Payne), musician participation on boards (Jan Gippo), and benefits/pension/health benefits (James Nickel).

#### **President’s Report – Bruce Ridge**

Bruce Ridge (North Carolina Symphony) expressed his gratitude to those who encouraged and assisted him over the past year, especially the governing board and Jan Gippo. He spoke about the good news about classical music and how this good news continues to be subverted by negative press. Cities cannot afford not to support our orchestras since orchestras can be great leaders in the community. Yet the same tired rhetoric continues to be spread by our managers, thus undermining the very thing they need to support. The improvements to our contracts were due to ICSOM, ROPA and OCSM – not because managers were willing to make these increases – it required solidarity. Ridge said we must reconnect with our orchestra members and inspire them. He pointed to the ASOL and charged them to improve their leadership skills. He said we must send a message to our colleagues that we will all stand together, and we must build a shared vision with our management because “the greater the investment, the greater the reward.” He spoke about the power of symphonic music and art as a way to counter the rhetoric of fear.

Jan Gippo spoke of his pleasure working with Bruce Ridge the past season.

#### **Secretary’s Report – Laura Ross**

Laura Ross (Nashville Symphony) referred the delegates to her written report in the Delegate Handbook. She distributed a card for Tom Prince, President of Local 161-710 Washington DC, who had a heart attack which kept him from attending the conference. She also distributed two cards for former ICSOM governing board officers Tom Hall from the Chicago Symphony and Charlie Schleuter from the Boston Symphony, both of whom retired from their respective orchestras this summer.

Jan Gippo praised Laura Ross’s information distribution skills said she was “the glue that holds ICSOM together”.

#### **Treasurer’s Report – Michael Moore**

Michael Moore (Atlanta Symphony) referred the delegates to his written report in the Delegate Handbook and said the dues increase was very helpful this past season, giving ICSOM a little “cushion”. Within ICSOM there has been attrition in the size of some of our orchestras; he said we had lost 85 members plus the additional 81 musicians in the Florida Philharmonic. He spoke about dues payment responsibilities and also spoke about the Emergency Relief Fund.

Jan Gippo spoke about Michael Moore’s dedication as treasurer.

#### **Senza Sordino Editor’s Report – Richard Levine**

Richard Levine (San Diego Symphony) asked that delegates and orchestra members submit stories, pictures, articles, and items for inclusion in *Senza Sordino*. He spoke about the distribution methods for *Senza Sordino*, both hard copy distribution and on the ICSOM website. He also encouraged orchestra delegate communication with their members at large.

Jan Gippo spoke highly of Richard’s editing and wordsmithing abilities. He also thanked all the Members-at-Large for their time and efforts the past season – James Nickel (Dallas Symphony), Nancy Stutsman (Kennedy Center Orchestra), Steve Lester (Chicago Symphony) and Meredith Snow (Los Angeles Philharmonic).

**Nomination Committee Report** - David Angus (Rochester Philharmonic), chair; Mary Plaine (Baltimore Symphony), Lynne Maxine Rosen (Utah Symphony)

David Angus explained their process and placed the following names into nomination

Chairperson – Bruce Ridge

Treasurer – Michael Moore

Editor *Senza Sordino* – Richard Levine

Member-at-Large [MAL] (2 positions) – Doug Fisher (Columbus Symphony), Paul Gunther (Minnesota Orchestra), and Meredith Snow.

Angus explained that Mary Plaine, who holds Minnesota’s proxy vote, would read Paul Gunther’s candidate speech on Saturday.

Jan Gippo asked for further nominations for Chairperson, Treasurer, Editor, or MAL. All nominations will remain open until Friday afternoon.

Brad Buckley (St. Louis Symphony) introduced AFM Symphonic Representative Bill Moriarity.

Brad Mansell introduced Carrie Bailey and Clare Yang, Nashville Symphony volunteers. Bruce Ridge introduced Dan Blackman, 1<sup>st</sup> vice president of OCSM.

Jan Gippo introduced Patricia Polach from Bredhoff & Kaiser and a member of AFM’s General Counsel.

### **Bankruptcy 101** (*see handout*)

Trish Polach spoke about bankruptcy with particular emphasis on how it applies to collective bargaining. Bankruptcy is not just a code but also a procedure and a culture, which is very fast paced. Bankruptcy is a “clash” of policies with labor in regard to labor and management relations, and is not just about those two parties, but all the other creditors. Bankruptcy judges are concerned only with bankruptcy laws and policies.

Polach said the first and most important policy is that the code is designed to aid the creditors as a group. The second policy is to aid the debtor in beginning a “fresh start”, and finally, the third policy is to try and preserve the business as a “going concern.” Unfortunately, workers are not as important as these other items and become just another creditor of the business.

Bankruptcy laws (either chapter 7 or 11) impose an automatic stay regarding immediate payments – “breathing room”, which puts everything on hold, so no lawsuits can be filed, etc. Only CBA arbitrations can continue moving forward.

Polach explained that any debt is a claim that is then ranked into “claimant” groups of payment orders. Secured claims (when a creditor has rights to collateral – e.g. the library) have top priority. In addition, expenses for work after the bankruptcy petition is filed, that is work that is essential to keep the organization going and maximize the value of the bankruptcy estate, are classified as first priority administrative claims and should be paid right up front. First priority and administrative claims include the wages of employees working for the bankrupt estate post-petition, and the fees of professionals such as accountants and lawyers who are working on the bankruptcy proceedings. Wages that are owed for work done prior to the filing of the bankruptcy petition are only entitled to a third priority claim. They are paid only after first priority claims are paid, and often there is little or no money to pay these third priority claims in full. Thus, the date of the filing of the bankruptcy petition is critically important to analyzing the nature and value of any claim for wages or fees. General unsecured claims are paid last and often there is no money to pay these claims.

Len Leibowitz asked about 507 claims in liquidation. Completing liquidation and attorney fees are also designated first priority.

Polach continued explaining that third party claims for work done prior to bankruptcy filing are subject to additional limitations: they will only be paid up to a maximum of \$10,000 and they will only be paid for work done up to 180 days prior to the petition.

Polach also clarified that Chapter 7 is liquidation and is about collecting the assets and paying them out, all administered by a trustee. Chapter 11 is reorganization and the debtor administers the plan and financial payments. It is possible to liquidate in Chapter 11, because conversion is not required if a reorganizing plan cannot be devised or accepted. According to Polach, unions are allowed to sit on creditor committees.

In the past, collective bargaining agreements were treated like other contracts in bankruptcy. That meant that the debtor could keep the contracts it wanted to keep and reject the contracts it didn’t like. However, debtors were required to get court approval for their rejections, and while courts showed great deference to the debtor’s business judgment with regard to most contracts, at least some courts applied stricter standards to the rejection of collective bargaining agreements. In 1984, the Supreme Court issued a decision in the case of *NLRB vs. Bildisco* that left

collective bargaining agreements in no better situation than any other contract. This led to Congressional action - Section 1113, which set new standards for how a debtor's attempt to reject a CBA should be handled in court. While this was supposed to fix a perception that employers were trying to "ditch" CBAs for less than good reasons, in reality, most courts approve most debtor rejections of CBAs under the new Section 1113 standards anyway.

Polach explained that most CBA rejection-filings are within 14 days. There is a 9-part test the debtor must prove to the court:

1. they went to the union to try and reach a new agreement with modifications (overtures before filing don't count).
2. their proposed modifications are based on complete and reliable information (which doesn't mean the information is error-free or audited information; the union will have to prove what's wrong with the information).
3. that the proposed changes are necessary.
4. the proposed changes provide fair and equitable treatment to the employees, creditors and even the public. (In the Alabama Symphony the musicians had to take such enormous cuts that they petitioned the court claiming the cuts were not equitable. The court ruled that it was fair because, as the largest expense it would result in a disproportionate distribution of cuts. In a recent flight attendant case, the judge did rule it was unfair to take a 20% cut when the employees were only 10% of the cost.)
5. the employer has given the union all information that will allow evaluation of any plans prior to negotiations.
6. must meet at reasonable times and reasonable places to conduct these negotiations.
7. the debtor must be negotiating in good faith.
8. the union has refused proposed modifications without good cause. (Refusing to meet with the debtor for whatever reason can also backfire since unions will also be required to bargain in good faith.)
9. the balance of equities clearly favors rejection.

Polach said courts are becoming more uncomfortable rejecting CBAs and have been agreeing to reject but also requiring that both sides continue to bargain for a period of time to reach a mutual agreement. This has been occurring in many of the airline bankruptcies. She also warned that interim modifications to keep a business ongoing are something to keep an eye on. If the contract is rejected, the orchestra has the right to strike since there's no longer a CBA. Regarding claimant status, there is controversy about whether there can be wage claims after going through all these steps. She said that courts don't necessarily intervene but may find ways to send the parties back to the table. Unfortunately, Section 1113 and the bankruptcy policies are in conflict regarding priority assignments.

She spoke about the Alabama Symphony bankruptcy, how it was handled in the courts, and that a legal victory for the musicians came three years too late.

Polach stressed the importance of getting the best economic information possible to make the proper arguments regarding reliability, application of equity, and whether the rejection is truly necessary. Someone is needed to navigate the local court system and know bankruptcy law. Nothing is sacred, and there must be a willingness to negotiate. In Colorado Springs, the musicians said "go ahead and reject the contract, we don't want these jobs any more." They refused to object. Leibowitz pointed out that once the bankruptcy was filed, management was not allowed to withdraw it.

Polach said non-profits cannot be forced into involuntary bankruptcy like for-profit corporations.

Jan Gippo asked if a management could file for bankruptcy and, after successful negotiations, withdraw the claim? She replied bankruptcy is a tricky thing and should not be done lightly. However, Louisville is a perfect example of how the threat of bankruptcy can achieve the same result. Management has an obligation to notify the union when they file bankruptcy, but they don't have to provide advance notice.

Bankruptcy judges' decisions can be appealed but they can take a long time. Gippo reported that the Florida Philharmonic musicians did receive payments of approximately \$22,000. Both Polach and Leibowitz were involved in trying to file the claims and shepherd them through the court system. Polach cautioned that claimants should not

neglect to file necessary claims, especially if negotiations don't go well. There are deadlines and bargaining agreement employees are hard to classify because they may require more than one claim status.

Leibowitz addressed the fight over priority status between the ticket holders and the musicians.

Dan Blackman (OCSM) asked about what role an endowment plays in payment to creditors. Polach said it would depend upon charitable trust laws in various states; endowment trust agreements and even individual agreements can be protected.

Jan Gippo thanked Trish Polach for her presentation.

Ira Gold (National Symphony) announced that information about Cleveland bassist Charles Barr's memorial gifts would be posted on Delegate-L and Orchestra-L.

Former ICSOM President Brian Rood (Kansas City Symphony) and AFM President Tom Lee were introduced.

## **Orchestra Reports:**

### **Louisville Orchestra – Daryl Johnson**

Daryl Johnson explained that the Louisville Orchestra went through an extraordinary negotiation for an agreement that was not set to expire until June 2006. Len Leibowitz was their attorney and Bill Moriarity also assisted. Since the orchestra was in a music director search and because donors were putting undue pressure on the musicians, they agreed to early negotiations. They were presented with a proposal for a 21-month wage freeze, and massive changes in work rules. In response, the union proposed a one-year agreement. Management's counter-proposal was to cut the orchestra size to A and B contracts and drastically reduce the pay. The musicians countered with an offer of 71 musicians or nothing, at which time the board president began threatening bankruptcy.

Management and board members stated nothing would work without an A/B structure. The musicians put more issues on the table but still insisted on 71 musicians or nothing. In a momentous move, the orchestra held a 5-hour meeting with the board president and many musicians spoke eloquently. In the end, the musicians agreed to a horrible contract – 71 musicians with B contracts. While the morale of the orchestra is horrible, they have demonstrated to the community that employing 71 full-time musicians is important.

Where does the orchestra stand now? They have a strong education program that was developed by the musicians; they gave it to management. George Mester was recently named Music Director. They have no executive director, development director, or general manager; the education director is the only person still employed. A community leader stepped in to be executive director and he has indicated he's interested in a permanent job, which is good news to the orchestra.

Bill Moriarity spoke about his role. Money was running out monthly, and while it is a seriously concessionary contract, it was still a brilliantly negotiated contract. The use of the orchestra, especially in regard to insisting on 71 members, was masterful, as was the discussion with the board president. He cited Len Leibowitz's leadership.

Paul Frankenfeld (Cincinnati Symphony) asked how management had planned to determine A & B contract level assignments. The negotiating committee never shared that information with the orchestra but they had been presented with a list based upon service count.

Moriarity explained that the first contract year is shortened due to readjustment of the budgeting year. The musicians retained their weekly pay and instead cut weeks; however, salaries were still cut by about \$6,000 per musician.

Dolores D'Aigle (Oregon Symphony) asked what led to these problems. Johnson responded that the orchestra had not been run well in the 6 years he has been a member.

Brian Ventura (Detroit Symphony) asked about additional staff issues. Johnson explained that fund raising, marketing, and development had all been suspended. By December the staff was only working toward bankruptcy; they first lost their general manager and then the executive director. Negotiations were with the board chair.

Johnson reported that the Louisville newspaper received many articles and letters and the orchestra also received donations, and he expressed the thanks of his orchestra.

## **St. Louis Symphony – Brad Buckley and Bill Moriarity**

Brad Buckley recreated the timeline of what occurred in St. Louis during the 2005-06 season, which began last summer with a letter to the AFM requesting that the musicians of the St. Louis Symphony be placed into the orchestra services program [OSP]. Buckley was elected to the players' council and moved rapidly to deal with problems with their local that followed on the heels of a very difficult negotiation. There was a meeting in November with ICSOM President Bruce Ridge, freelance musicians from the St. Louis community and AFM President Tom Lee. Buckley mentioned that one member of the musicians' council was also a local board member.

In December 2005, Local 2-197 filed an unfair labor practice because they believed they had been left out of negotiations regarding small changes to an agreement negotiated between the players' council and the management. Buckley had to appear before the labor board to prove the local's assertions were wrong.

In February, a meeting that included IEB representatives and ran from 10AM to midnight ended with a proposal they called "OSP lite". This proposal chose not to remove the orchestra from the local, thus financially crippling them. Instead a business agent, or AFM Symphonic Representative, was appointed to represent the orchestra in their dealings the local, and to act as a go-between. When Buckley realized that Bill Moriarity, a previous President of Local 802 New York and a former IEB member, had moved to St. Louis, he was asked if he might be interested in this job. The AFM and Tom Lee agreed this was in the interest of both the orchestra and the local. The IEB also ordered Local 2-197 to withdraw the unfair labor practice.

Buckley reported that the good news is that the plan works. Local relations are more businesslike and professional. There are still a few issues, including that the local still refuses to withdraw their charges against Len Leibowitz, but some good work has been accomplished. Buckley thanked, on behalf of the musicians of the SLSO, AFM President Tom Lee and the IEB for cutting through the anger. He thanked Lee for his levelheaded response that solved the problem. Buckley also thanked Trish Polach, Robert Levine, and Bruce Ridge who stepped in to represent ICSOM since Jan Gippo is a member of the SLSO, and he thanked the members of ICSOM.

Unfortunately, the department of labor has recently claimed that the orchestra committee should be reporting as a labor organization under the Labor Act. Buckley has spoken to Local 2-197's counsel and to Bredhoff & Kaiser. Since it's a global issue, he reported that this issue is now in the hands of Bredhoff & Kaiser on behalf of the AFM, the Federation once again stepped in to help.

Bill Moriarity spoke about what the implications would have been on Local 2-197 if the orchestra had been placed in the OSP. Joe Parente, a member of the IEB, is the person Bill reports to in this new system. He spoke about his plans to address the issues on both sides, as well as beginning preparations for the next orchestra negotiation. He has met with the musicians and held a successful meeting with the local and will continue to work toward a successful and productive relationship between the orchestra and the local. He said the executive director is quite intractable and has a financial plan that does not favor the musicians. Moriarity has met with all constituencies and has scheduled further meetings to begin resolving any issues.

Jan Gippo explained why he recused himself from this situation and believes this new solution is a way to address these type problems in the future that will allow the AFM to remain united.

Lesley Cleary (Fort Worth Symphony) asked how Moriarity's position is being funded. Buckley said the local is paying Bill's salary and it is not a great deal of money.

Bruce Ridge also thanked Tom Lee for the opportunity to work with him. He also thanked Buckley.

Moriarity addressed the issues Local 2-197 had with his appointment to this position; any elected officers would have a problem when someone comes in and takes over their duties and he knows this procedure must be handled with care. The AFM is it's locals and they must be kept strong. He hopes this will strengthen the local but acknowledged it is not an easy thing to do in any case.

Buckley closed his presentation by mentioning the proposed ICSOM resolution regarding modifications to the OSP resolution in the AFM Bylaws. They hope it will provide for change while also not "killing" a local; it could be seen more as an admonishment. The AFM, ICSOM and the musicians all tried to do the best thing for the situation and not punish the local.

## **Honolulu Symphony – Steve Flanter and Ken Hafner**

Steve Flanter gave a brief history that began with the negotiations of a 5-year agreement that was supposed to prove the musicians and management were working together. While wages were only set for the first 2 years, there was mutual agreement that there would be no requests for significant cuts. Regardless of this agreement, in 2003 management came to the musicians threatening cuts in donations, and asked for major cuts that were implemented in the 2004-05 and 2005-06 seasons. During the 2005-06 season, Peter Pastreich was retained to evaluate the structure of the organization and he cited a lack of board leadership. There has been a revolving door on managers, board members have resigned, budget goals were continually lowered, the timpani were sold (though still used by the orchestra thankfully), and once again a search for a new executive director began. The board causes many of the problems that keep the organization from holding on to any decent talent, and the pattern continues to repeat itself over and over. There is no leadership, people are belittled, and history is continually rewritten. Meanwhile, the musicians have continued to show their willingness to work with management and the board.

Negotiations begin soon. The musicians are assisted by Len Leibowitz and mentored by Lew Waldeck's teachings.

Jan Gippo asked Ken Hafner to speak about the possibility of working with Barbara Haig regarding a press campaign. Hafner responded that they have worked with her but wish they were further along. The orchestra has only a 30-week season, which makes some communication difficult.

**ICSOM MIXER** – Tours of Schermerhorn Symphony Center began at 6:00 PM. Dinner followed in the West Lobby and was hosted by the Nashville Association of Musicians, Local 257 AFM and the Nashville Symphony. The Nashville Symphony Players' Assembly provided the musical entertainment.

## **Thursday, August 17, 2006**

### **Roll call**

Laura Ross introduced Joan Totusek, widow of Richard Totusek.

**The following resolution (#2) remembering Richard Totusek was adopted by unanimous consent. [Motion #2 – Governing Board]**

Whereas, In the numerous and important positions he held throughout the years, Richard Totusek was first and foremost a valued friend of symphony musicians, as well as musicians in all fields of endeavor; and

Whereas, His services as President of Local 105, Vice-President of Local 47, Honorary Parliamentarian of Local 369, and parliamentarian extraordinaire at many ICSOM and ROPA Conferences were sensitive, insightful, and truly valuable; and

Whereas, His good humor, intelligence, and devotion to the causes of musicians everywhere will be sorely missed; and

Whereas, The many ICSOM delegates and officers who knew Richard Totusek mourn his passing; therefore, be it Resolved, That the delegates to the 2006 ICSOM Conference express their condolences to his wife and family, and posthumously name him Parliamentarian Emeritus of ICSOM, and, be it further

Resolved, That a copy of this Resolution be framed and presented to Ms. Joan Totusek as a token of their respect and admiration for her husband and devoted friend of musicians of the USA and Canada.

Following adoption of the resolution, which was already framed, it was presented to Joan Totusek.

### **Nominations:**

There were no nominations at this time and they remain open until Friday afternoon.

## **AFM President Tom Lee**

President Lee thanked the musicians of the Nashville Symphony for the mixer Wednesday evening and the opportunity to sit in and play with some of Nashville's fine musicians. He praised Local 257 President and AFM Vice President Harold Bradley, speaking about Bradley's career as he worked alongside his brother Owen and Chet Atkins to organize the Nashville music industry. Lee introduced many of the new AFM pension fund trustees in attendance. He spoke about the importance of working together, education opportunities for local officers through regional resource meetings, and the self-produced recording agreement negotiations. He thanked ICSOM orchestras for giving him and Laura Brownell the time to resolve the problems in St. Louis, and especially thanked Brad Buckley for his assistance. Lee spoke about how helpful TEMPO was this year as well as congressional letter writing campaigns by AFM membership to encouraging changes to pension fund legislation. He spoke about his lobbying efforts regarding an immigration bill the AFM had been working on for 3 years.

Lee spoke about Joan Totusek, his attendance at Richard Totusek's memorial service, and he shared some personal remembrances since he knew Richard Totusek had been held in high regard by ICSOM. Lee extended condolences to Joan Totusek.

[Jan Gippo interrupted to announce that the pension bill had been signed this very day.]

Tom Lee spoke about his SSD staff and praised them all.

Tom Reel (Virginia Symphony) asked if the Federation would be expanding the staff by hiring more orchestra negotiators. Lee responded that a third, part-time negotiator lives in California and said that if more are needed, he will find more.

Nancy Stutsman (Kennedy Center Orchestra) announced an envelope would be circulated to collect TEMPO contributions and reminded the delegates that ICSOM raised \$2,200 last year.

## **Laura Brownell, Director of the Symphonic Services Division**

Laura Brownell referred the delegates to her report, which was mailed in July detailing the activities of her department over the past season. She spoke about successes and changes in the orchestral industry, including leadership at the Mellon Foundation and the American Symphony Orchestra League (ASOL). She said working with Jan Gippo and the Governing Board the past year was a pleasure.

Brad Buckley (St. Louis Symphony) thanked Laura Brownell and her division for their hard work.

Nathan Kahn encouraged that college students be educated about life in an orchestra, how auditions are run, etc., by delegates, orchestra members and local officers. The AFM is happy to assist and suggested contacting Janice Galassi at the AFM. Paul Frankenfeld spoke about activities in Cincinnati, talking to studio classes one at a time.

Cathy Payne (San Francisco Symphony) asked Laura Brownell to speak about the relationship with the Mellon Foundation since they have new leadership. Brownell responded that the new chairman has not yet taken charge so the future is uncertain, as are future meetings of the "policy makers" that included the AFM, ICSOM and ROPA leadership. Jan Gippo encouraged further participation in the future, citing his belief that ICSOM, ROPA and AFM participation is essential.

Rachel Goldstein (Chicago Symphony) introduced Local 10-208 Chicago President Gary Matts. Nashville Symphony conference coordinator Brad Mansell introduced Mary Helen Law and Clare Yang, members of the Nashville Symphony.

## **SOX and the Symphony – Leonard Leibowitz and Patricia Polach**

Trish Polach and Len Leibowitz spoke about the application of the Sarbanes-Oxley (SOX) Act on non-profit organizations. This legislation was devised because of accounting scandals like Enron, Tyco, and Worldcom. Congress's attempt to deal with the misuse of funds and consulting firms that were too deeply embedded in those companies resulted in the Sarbanes-Oxley Act in 2002. SOX was aimed at restoring trust in US businesses and dealing with their auditing and disclosure procedures.

The SOX rules apply predominantly to for-profit corporations, but non-profit organizations increasingly believe that they should voluntarily move toward SOX compliance in order to avoid becoming the subject of specific legislation. SOX rules imposed on for-profit organizations require auditors to be truly independent. Therefore, auditors may not do any bookkeeping, human resources, financial system designing, or provide actuarial or legal

services for the organizations that they audit; however, they can do tax preparation for those organizations. The auditing firm or partner must rotate every 5 years. SOX requires for-profit organizations to establish an audit committee that oversees, chooses and reviews the auditors, and no employee, CFO or CEO may serve on this audit committee, though it is recommended that at least one financial expert serve on the committee.

The Act requires that the CEO and CFO of a for-profit company certify that quarterly and annual reports to the SEC comply with securities laws and there are enhanced financial disclosure rules (on and off balance sheet transactions, insider trades, CFOs have to design and sign a code of ethics).

For all organizations, profit and non-profit, SOX requires increased protection for whistleblowers and provides criminal penalties for retaliation against them. It also imposes strict rules regarding the retention and destruction of documents.

Polach explained that the Independent Sector Report – a study issued by an organization of non-profits - recommends that non-profits take the following steps to approach SOX best practices. Full outside audits should occur every year if revenues are more than \$1M or if an organization receives more than \$500K in federal funds. If there is an audit, there should be an Audit Committee that is independent from the Finance Committee and the financial knowledge of the Audit and Finance Committees should be attended to. Auditing firms or partners should be rotated at least every 5 years and should not be providing non-auditing services. The Audit committee should review all the reports and policies and discuss them with management. The CEO and CFO should certify their financial reports and they should prohibit loans to directors or executives, or if they can't, should have formal approval and documentation. As noted above, whistleblower protections already apply to non-profits by virtue of SOX. California and other states have already begun implementing requirements on nonprofits, some even more restrictive than the federal act regarding size of budget versus a full outside audit.

Conflict of interest – a board member has a conflict if they work for the organization in some way. This conflict must be disclosed.

Steve Lester (Chicago Symphony) said his orchestra members were asked to fill out forms to disclose their “conflict of interest” whenever they attend any type of board meeting and have refused. He asked if there was any danger if someone signed it? Disclosure just means that that person is an employee and when they speak about certain topics, they speak as an employee. Also, disclosure should not only include employee status, but if someone has become a corporation to provide contracting services, for example, that may be in competition with the organization and should also be disclosed. Signing a form is about disclosure, not that a musician is doing anything wrong – it's stating that that person's concerns will inform what they say and do.

Brad Buckley pointed out that musicians on boards should be recognized as being there to represent the voice of the orchestra and in regard to budget approval, especially during negotiations, they should abstain from voting.

A question about how someone deals with “confidentiality of information” was said to possibly lead directly to a conflict of interest.

Dolores D'Aigle (Oregon Symphony) asked about some boards taking the position that the musicians are not there to represent the orchestra. Leibowitz pointed to Columbus' new contract when they removed all the board positions and now require that board agendas be sent to the orchestra in time to prepare and appear, if they want to, and to speak and give input.

Further discussion was encouraged during the evening breakout sessions.

### **Mock Arbitration Workshop - Peggy & Len Leibowitz**

Peggy Leibowitz addressed the reason contract language was not provided in the case study that would be used in the mock arbitration exercise. She said that when the contract is silent on this issue, there might be other language referred to but it many not directly and precisely address the case. The contract language that is referred to is, “There shall be no afternoon rehearsals.”

Arbitrators hear two types of cases, contract cases and discipline/discharge cases. The tools needed to develop arguments for the afternoon session – witnesses, testimony, documentation – are included in the case study.

Ms. Leibowitz explained the Theory of Contract Interpretation, which guides arbitrators. It is a 3-step process used to analyze the information and make a determination.

1. Is the contract language itself clear and unambiguous? The words, which determine the intent of the negotiators when they negotiated the language now in dispute is the best evidence of intent. The arbitrator has to decide if the words of the contract are clear or ambiguous. Clear language can only have one meaning, and is not subject to interpretation. Ambiguous language could have more than one meaning and could be subject to interpretation. As an arbitrator, if the contract language is clear, she/he should apply it and go no further in attempting to determine the resolution.

2. If the language is ambiguous, the next area of inquiry is evidence of bargaining history – the note taker can be one of the most important people during negotiations in resolving this issue during a grievance/arbitration. Notes are the next best evidence. Notes and minutes, proposals and counter proposals, testimony of negotiators, prior CBAs, grievances filed, settled, and withdrawn on this issue are all evidence. This is one reason why negotiating teams are encouraged they not bring “laundry lists” to negotiations because withdrawn proposals could be used as evidence against the union during negotiations. If the bargaining history is non-existent or non-dispositive the arbitrator will move to:

3. Past practice – which is the least best evidence of intent. Past practice is a course of conduct or behavior that is clear, consistent, that has an aspect of mutuality (accepted way of doing things), and of longstanding duration. It’s not a word printed on a page, it’s behavior that must be proven to be “open and notorious behavior.” It could be documented or there might be a memo or testimony. If the party is relying on past practice and can prove it, then a binding or proven past practice can be just as good as the language of the contract and rises to the level of the written word of the contract.

\* \* \* \* \*

Following a 45-minute caucus by each of 5 groups to devise strategies and responses regarding the case study arbitration provided by Len and Peggy Leibowitz, the conference reconvened. The case study related to the scheduling of sectionals by management between the times of 10AM and 3PM. No musician was required to play for more than 2.5 hours. Management asserted their management rights by scheduling sectionals, which are not addressed in the CBA language. The CBA states that no rehearsal may be scheduled in the afternoon.

The panel of 7 arbitrators consisted of Jan Gippo (St. Louis Symphony), Lovie Smith-Schenk (Houston Local 65-699), Brian Rood (Kansas City Symphony), Martin Sher (Colorado Symphony), Nancy Stutsman (Kennedy Center Orchestra), Tom Fetherston (ROPA President), and Mark Tetrault (SSD Canada).

Brian Ventura (Detroit Symphony) spoke on behalf of Musician Group #1, Michael Moore (Atlanta Symphony) spoke on behalf of the Management Group #1, Meredith Snow (Los Angeles Philharmonic) spoke on behalf of Musician Group #2 and Rachel Goldstein (Chicago Symphony) spoke on behalf of Management Group #2. After each presentation, the arbitrators posed questions, the answers to which were followed by a brief rebuttal.

The arbitrators rendered their decision – a majority decision with one dissenting vote. Regarding the violation of the CBA by scheduling a 5-hour rehearsal: the first sectional group was not in violation but the second two sectional groups were. The remedy was that those second two groups receive an overtime payment for work performed beyond 12:30PM. There was no language defining sectionals so therefore the management was justified in scheduling a sectional. The remedy should be that sectionals be defined in the CBA. Mark Tetrault spoke about his agreement with the remedy but disagreement with the decision that management could not schedule a 5-hour rehearsal. Gippo gave the dissenting opinion after which the delegates questioned the arbitrators.

Bob Rydel (Charlotte Symphony) explained that the issue was from his orchestra. During negotiations he said the sectional settlement was the first thing abandoned by management.

Len Leibowitz spoke to the comments and presentations by each musician and management representative. He spoke about management rights clauses and said this right did not obviate an obligation to bargain over these topics. He said the most common argument against rules and regulations promulgated pursuant to a management rights clauses, in that the rule or regulation is unreasonable. A CBA is considered a “limiting” agreement. He also addressed who goes first in an arbitration – the grieving party. In a discharge case, however, management must go first.

## Friday, August 18, 2006

Nashville Symphony conference coordinator Brad Mansell distributed thank you cards for the Nashville Symphony staff for their assistance during the conference.

TEMPO – ICSOM Legislative Committee co-chair Nancy Stutsman (Kennedy Center Orchestra) continued collection of monies for TEMPO. Brian Ventura (Detroit Symphony) encouraged orchestras and locals to contribute from home as well.

As **roll call** was read delegates responded by announcing their instrument(s).

### **Nominations:**

Bruce Ridge (North Carolina Symphony), Chairman. Once the nomination was closed Bruce Ridge was elected by acclamation.

Michael Moore (Atlanta Symphony), Treasurer. Once the nomination was closed Michael Moore was elected by acclamation.

Richard Levine (San Diego Symphony), Editor *Senza Sordino*. Once the nomination was closed Richard Levine was elected by acclamation.

Member-at-Large – there were no additional nominees.

President – this position was now open due to the election of Bruce Ridge as Chairman. David Angus (Rochester Philharmonic) nominated Brian Rood (Kansas City Symphony). Nominations remain open for MAL and President.

### **Electronic Media Committee Report** – Bill Foster, Chair

Bill Foster (National Symphony) began with a review of the previous conference's report and what led to a national live recording agreement this past year. He spoke about certain aspects of the new agreement, including orchestra signatories, and the principles the committee held in crafting this agreement (including doing no harm to other existing national agreements). He also gave an overview of both the negotiations and the terms of the new agreement.

Debbie Newmark, Director of Symphonic Electronic Media said the *International Musician* has a detailed explanation of this agreement and the AFM-SSD CDROM includes a copy of the Memorandum of Agreement. Foster encouraged delegates to call him and Debbie Newmark whenever they have any questions but especially when orchestras are in negotiations or when management brings a proposal to an orchestra or media committee.

Foster spoke about the Internet agreement, the application of different agreements regarding downloads, radio agreements and the NPR agreement, and he spoke about the media committee's concerns regarding local agreements addressing global media concerns especially with the Metropolitan Opera agreement.

David Lennon, President of Local 802 - New York City, spoke about the Met agreement referred to by Bill Foster. He explained the motivation for the agreement. The orchestra initially negotiated their contract without media provisions and their management refused to sign onto the self-produced negotiations. The orchestra did consult with the AFM, ICSOM and others as it was developed and it was presented to the IEB in March and June as an experimental deal for approval. There is a great deal of money ranging from \$7,000 to \$12,000 per musician over the next 5 years. He agreed to provide a summary of the agreement to the delegates for their orchestra. The agreement limits the amount of exploitation but allows audio capture of all performances.

Lennon addressed the IEB concerns: Local 802 does not supercede the NPR agreement, the Met orchestra will not agree to projects covered under AFM agreements without the approval of the IEB, the Met will share the financial information with the AFM, and the Met will not transfer ownership without an assumption agreement. As a local officer, Lennon finds when a deal that would be beneficial to the musicians is proffered, it is difficult to say no but went on to say he will try to find a way to make it work for all without harming the greater community.

Lennon said he very much appreciated the assistance from Debbie Newmark, Bill Foster, and Laura Brownell. Bill Foster thanked many but in particular, thanked Debbie Newmark.

Robert Levine (Milwaukee Symphony) introduced Barbara Haig. He said she had been a great deal of assistance during Milwaukee Symphony negotiations.

**Barbara Haig** spoke about some of the people she has worked with over more than 15 years, especially in Milwaukee. While she recommended orchestras hire local publicists, she shared her ideas regarding communication. Prior to the conference Haig had surveyed delegates about their perceptions regarding public relations and spoke about one perception - if an orchestra tells the public how much trouble they are in the public will come forward to help. The truth is that long after the orchestra has forgotten about minor disputes potential donors and subscribers remember them. She made a number of recommendations that included developing long-term communication strategies with positive messages about musicians, effectively communicate messages through the media using charitable works and human-interest stories to create and promote a positive public image, and to build relationships with donors and the community. In attempting to avoid difficult negotiations, she suggested orchestras' help their communities recognize the organizations' value, allowing the orchestra to maintain its financial health and finally let musicians concentrate on artistic integrity.

Haig recommended orchestra analyze their Strengths, Weaknesses, Opportunities, and Threats – what she called a SWOT Analysis. She spoke about targeting audiences – the donor community, news media, local community – and to communicate from their perspective, giving them a consistent message. When developing messages she recommended going for accuracy (what do you want the audience to know, how do you want the audience to feel and what do you want the audience to do?) but also looking to make a memorable statement. She used two examples: “Musicians work hard/Classical music isn’t dying/ Musicians should get paid more” and proposed it could be presented as “Musicians are full-time professionals/Live music brings value to the community/Musicians need community support”.

Haig went on to recommend how to prepare to talk to the news media and to understand a community’s power structure. She believes this must be an ongoing process, not just during negotiations. In her position as a consultant for the AFM to do local communications training she said long-term benefits should allow locals and orchestra to define positive messages, build a base of support, and demonstrate musicians’ professionalism and community commitment. The short-term benefits should allow for developing a contract strategy, secure public support, prevent/address negatives, and demonstrate musician professionalism and community commitment.

Nathan Kahn spoke positively about the Virginia Symphony brochure that was distributed in the delegate boxes.

Delegates shared examples of strategies from the past. Eric Arbiter (Houston Symphony) expressed a desire that these positive messages be spread throughout our organizations.

Laura Brownell spoke about how retaining Barbara Haig came about and explained that the AFM would split the cost of bringing Barbara Haig in to the local to train committees and local officers.

David Angus and Robert Levine spoke briefly about [www.polyphonic.com](http://www.polyphonic.com), a website developed by the Eastman School of Music, seeded with monies from Paul Judy when he fazed out the Symphony Orchestra Institute.

### **Breakout group reports**

Cathy Payne (San Francisco Symphony) reported on education group discussion about community education and outreach programs for the St. Louis, Virginia, San Francisco and National Symphonies.

Robert Levine reported on the media group discussion about the Internet agreement, satellite radio, performance rights in venues, applications of various agreements and the new live recording agreement. Bill Foster said there was also a discussion about finding ways electronically for people to access information about various agreements. He and Debbie Newmark have been in discussion on this issue.

Mary Plaine (Baltimore Symphony) reported on the negotiating orchestra session. Topics included dealing with restricted and unrestricted funds, pension funds, concessionary bargaining, cutting weeks, balancing artistic considerations by cutting personnel against more money for those still in the orchestra during concessionary bargaining, health insurance premiums (and caps on increasing costs), Detroit’s “evergreen” clause, the importance of a good cross-section of representation on a negotiating committee, identifying good board members, and behavior that could lead to an unfair labor practice charge.

**Len Leibowitz** discussed a few topics, also discussed concerns regarding the Kentucky River Supreme Court decision of 2001 and answered questions. Topics included side letters and their relationship to the contract (which are as binding as if they were in the CBA), managements rights clauses and whether they are mandatory subjects of bargaining, local union participation in negotiating individual agreements, remedies for grievance, the enforcing of arbitration awards, and the possibility of getting a stay or injunction if certain behavior is about to occur.

Leibowitz explained that the Kentucky River decision was about the inclusion of supervisors as members of a collective bargaining unit. He explained the 12-step test to determine whether someone qualifies as a supervisor. Kentucky River is a nursing home and the nurses were petitioning for certification but six of the nurses were contested as being supervisors. It came down to the meaning of the words “exercise of independent judgment” and “responsibly to direct”. The local & national NLRB ruled that nurses, rendering their professional expertise and telling other nurses what to do, did not make them as supervisors and therefore could be organized. A circuit court reversed the NLRB decision and held that the exercise of independent judgment was supervisory. The Supreme Court, in a 5 to 4 decision, upheld the Circuit Court decision. Professional expertise when giving direction is now, according to law, a part of supervisory duties and employees who use independent judgment in professional direction cannot be covered in a collective bargaining agreement.

Robert Levine asked for published clarification on this issue from ICSOM and the AFM so musicians can protect themselves and their behavior going forward. Any changes to this will now have to come from Congress in the form of new legislation.

Steve Proser (Utah Symphony) asked about the application of the Kentucky River decision for audition committees, peer review committees, etc. Leibowitz pointed to his concerns about the application of the Yeshiva University decision on those practices.

**Nominations:** There were no further nominations for President or Member at Large. MAL nominations were closed; balloting will be held Saturday morning. Nominations for President will remain open until Saturday morning.

**Tom Fetherston**, newly elected President of ROPA, spoke about the growing membership of organization, which stands at 72 member orchestras. ROPA knows they need to refocus their attentions to better serve their orchestras and Fetherston looks forward to working with ICSOM, and Bruce Ridge and the Governing Board.

**Dan Blackman**, 1<sup>st</sup> Vice President of OCSM, related greetings from OCSM and from President Francine Schutzman. He reported on the activities at the OCSM conference, the messages of unity, older musician issues, and Bruce Ridge’s conference attendance. Blackman spoke about the health of OCSM orchestras, the financial considerations their orchestras face that include cuts in governmental funding, and the task of fighting against the negative rhetoric that pervades our industry. He spoke of the success of the Toronto Symphony filling their hall through a program for last minute ticket sales for younger audience members called tsoundcheck. He encouraged ICSOM to form a closer relationship with OCSM and proffered an open invitation to attend the OCSM conference next summer in Quebec City.

**Bruce Bouton**, Vice President of RMA International and a member of the Nashville recording community, read a letter from RMA Nashville President David Pomeroy. Bouton spoke about his career, the recording boom of the 1990s, Local 257’s and Harold Bradley’s battle to get Christian record labels to become signatory and file AFM contracts, and technological changes that are impacting our industries. He urged standing together to fight the attack on our union contracts as they chip away at the wages and benefits. He spoke about the political power held by AFM convention delegates and concluded with some brief comments about an IEB promulgated agreement for videogames.

**Strike Fund Report** – David Angus and Brian Rood, ICSOM Trustees

David Angus said there were no changes to the AFM bylaws that could have impacted the strike fund and the health of the fund, including payouts for strikes. Brian Rood announced the names of new trustees, Sam Folio (AFM Secretary-Treasurer) and Joe Parente (IEB and Local 77 President), and thanked the fund administrator Debbie Newmark. Rood reported on the fund’s investments.

Daryl Johnson (Louisville Orchestra) asked if there had been any changes to policies by the trustees to deal with orchestras that might not go on strike but play without pay? Len Leibowitz said the issue had been raised and discussed, and ICSOM also presented a resolution at the 2005 AFM Convention that was defeated.

Angus spoke about the trustees' deliberation process and what led to the decision. He expressed hope that more clear-cut language that allows for more flexibility will be forthcoming. Angus said the trustees did consider the concept of paying the musicians and but were concerned that collecting repayment once the musicians had been paid would have been very difficult. Jan Gippo suggested orchestras might consider tapping the ERF fund during these short-term situations in the future.

Rood and Angus added that the trustees had examined raises in payouts and the idea of adding more tiers, but pointed out that it would most likely require a pro-rata increase in all tiered payments.

#### **Abe Torchinsky Emeritus Program** – Mary Plaine, Administrator

Mary Plaine spoke about this program that distributes copies of the *ICSOM Directory* and *Senza Sordino* to emeritus members of ICSOM orchestras and allows them to remain connected with our community.

#### **Conductor Evaluation Program** – Michael Moore, Administrator

Michael Moore spoke about how the number of orchestras participating in the program last year dropped from 21 to 16 and asked the delegates to consider what the future of the evaluation program will be. It is working as it has been in the past, but orchestras are using internal forms or just seem disinterested.

Lesley Cleary (Fort Worth Symphony) asked if other orchestras gave the evaluations to subs and extras. Len Leibowitz said there was no reason to exclude them. There was also discussion about the timeliness receiving results.

Brad Buckley (St. Louis Symphony) announced he had found an old box of conductor evaluation forms, which were once tallied by hand. He found a lot of historical information, including the very first evaluation.

#### **Web Committee and ICSOM Directory Reports** – Richard Levine

Richard Levine announced that Bruce Christensen would be redesigning the ICSOM website. Bruce Ridge is chair of that committee.

Levine announced a deadline of October 10 for submission of delegate updates to the *Directory*. Delegates who have problems with this schedule were urged to contact him immediately. Last year's information will appear if no corrections are made. Personnel manager information will be included this year.

#### **Orchestra-L** - Robert Levine on behalf of Paul Gunther (Minnesota Orchestra)

Robert Levine reported that he was assisting Paul Gunther and there had been few problems since the move to Yahoogroups. Bruce Ridge encouraged delegates to sign up more orchestra chairpersons and alternate delegates on Delegate-L.

David Lennon, President of Local 802, spoke about recent developments regarding Virtual Orchestra Machine (VOM). Two years ago ICSOM passed a resolution about prohibiting the spreading use of the VOM. Unfortunately, the VOM can still be added to a pit orchestra if other musicians are hired. Local 802 was successful in keeping the Brooklyn Opera from using the VOM, after which a lawsuit was filed against both Local 802 and the Brooklyn Opera, charging they Local 802 was crafting agreements deliberately designed to put RealTime (the makers of the VOM) out of business. There have been numerous rulings and appeals that say the agreement is lawful. Following a rally in favor of banning the VOM, Brooklyn Opera announced their agreement with Local 802 was null and void and now RealTime's attorney, Aiken-Gump, has been retained as attorneys for Brooklyn Opera.

Local 802's success with 2 NLRB rulings upholding the ban on VOM will be very useful in the upcoming Broadway negotiations. There are more than 50 agreements that ban VOM use, including the Dodgers and the American Ballet Theater. Lennon is thrilled to see the fight spread to other cities. These successes have proven you can fight technology when it's killing something important – live music.

Lennon thanked ICSOM for their very early support. Local 802 supports ICSOM and they are more than willing to help with public relations. We all need to take a stand.

## TOWN MEETING

**Topics discussed** – conductor evaluations, the payment scales of substitute and extra musicians, evaluating the orchestral field through financial information, the ongoing discussion about associating ourselves with ASOL, health insurance database, what can be done to forward ICSOM with our orchestras, how do we research and recruit new board members, lists of ICSOM and the AFM accomplishments (like the VOM) and key figures, a call for more negotiating orchestra calls, and volume on stage – hearing issues.

### Saturday, August 19, 2006

ICSOM Legislative Committee co-chair Nancy Stutsman “passed the hat” for TEMPO and AFM Secretary-Treasurer Sam Folio raffled off a bag of Hawaiian coffee to Rachel Goldstein and Steve Lester for \$260.

#### **Roll call**

**Sam Folio** spoke about the financial health of the Federation, new departments at the AFM, software and technology concerns, the *International Musician*, member recruitment and retention and his latest business investment with a technology company dedicated to selling classical music.

#### **Nominations:**

President – Brian Rood

Once nominations were closed Brian Rood was elected by acclamation.

Bruce Ridge thanked the delegates for their trust and support once he becomes Chairman at the end of the conference. He urged the delegates to take their newfound enthusiasm back to their orchestras and to communicate with them that ICSOM will be there to assist them in achieving their visions.

Brian Rood said he missed his involvement in ICSOM this past year once he stepped down as ICSOM President. He welcomed the opportunity to take up the job again to meet the challenges we now face. He spoke about reaching out to our member orchestras and saluted Jan Gippo’s service as Chairman for the past 4 years. He asked the delegates to thank past governing board members in attendance, ICSOM committee chairs and members and the AFM staff and officers.

**Ballot voting followed Member-at-Large candidate speeches** by Doug Fisher, Paul Gunther (statement read by Minnesota Orchestra proxy holder Mary Plaine), and Meredith Snow.

AFM-SSD Director Laura Brownell introduced Nathan Kahn’s presentation and explained that his absence from the 2005 ICSOM Conference was due to the Pittsburgh Ballet’s actions that replaced a live orchestra with taped music. He was in Pittsburgh working with the orchestra and community to support the orchestra’s attempt to change this decision.

**Nathan Kahn** spoke about Lew Waldeck’s infamous “dog and pony” workshops and addressed what the AFM is doing to assist orchestras today. He spoke about the role power (or “powah” as Lew Waldeck would say) in regard to negotiations. SSD tries to help orchestras evaluate their needs and tailor workshops, sessions and other topics for each individual orchestra. They help with local community relations, orientation programs, negotiation preparation, dealing with contract administration, dealing with internal relations amongst the musicians, electronic media, financial analysis, public relations, new orchestra committee member training, crisis assistance and internal organizing.

Kahn said power assessment should be the first step when entering negotiations. He spoke about various negotiations where successful use of the press affected the outcome.

Tom Reel spoke about the Virginia Symphony brochure the musicians developed, explaining the mindset behind the message they wanted to relay to the public, and their target audiences - the board and their own orchestra.

Kahn spoke about the power some orchestras cede to a negotiating committee, citing the Chicago Symphony as an example of investing complete power in the negotiating team. He believes this allows management to understand they are negotiating for the orchestra.

(Due to a technology glitch a brief break allowed for the following announcement.)

**Election results:** Meredith Snow and Paul Gunther were elected to two-year terms as members-at-large.

Returning to Nathan Kahn’s presentation regarding the assessment of power, he pointed out that most full-time and substantially part-time orchestras are unionized. The use of power by management usually include threats to cancel the season, suspend season ticket sales, bankruptcy, qualifying or withholding major gifts, “orchestra Armageddon rhetoric” and co-opting of musicians or “quality circles” as it is known in the rhetoric of management. He asked if the rank and file is organized to achieve their goals? If not, SSD gives lectures to pre-professionals about orchestra life, recommend orientation programs and social gatherings, and advise forming strike committees during negotiations (thus involving the orchestra in the process), and also recommend keeping the orchestra informed even if there’s not much activity.

Kahn recommended reporters be cultivated in advance of negotiations, that orchestras put together media packets, have press releases written by a professional when appropriate, choose the orchestra’s spokesperson carefully, and to leaflet concerts. He spoke about the application of grievances and unfair labor practice charges (8a.5) during negotiations. Kahn also spoke about political activity, compiling lists of people known to the orchestra that could be helpful, and urged working with resource-organized labor, other labor unions and other activist groups. Other tactics suggested were the admonition that *International Musician* ads could be amended by the local during negotiations.

He spoke about the strategy, preparation and timing organizing (or threatening) a strike. He cautioned committees to assure there is time for possible 11<sup>th</sup>-hour negotiations and a strike vote should never be taken unless the committee already knows the outcome of that vote (yes/no/maybe). If the orchestra is not really united, after about 7 weeks people begin rethinking their decisions, so a positive vote should be 80, 90 or 100%. He said each committee member should do this exercise separately and then compare their results.

Earl Yowell spoke about the **2007 ICSOM conference** that will be hosted by the St. Paul Chamber Orchestra and Minnesota Orchestra in Minneapolis, MN August 15-18, 2007 at the Millennium Hotel.

Nancy Stutsman auctioned a box of Hawaiian Sun Chocolate Covered Macadamia Nuts to Jan Gippo for a \$110 contribution to TEMPO.

Lovie Smith-Schenk spoke about the activities of the AFM Diversity Committee.

The delegates approved the appointment of Meredith Snow as ICSOM’s **3<sup>rd</sup> Delegate to the AFM Convention**.

\* \* \* \* \*

**The following resolution (#3) concerning ICSOM Counsel’s retainer was adopted as amended. [Motion #3 – Governing Board; Motion #4 – Brian Rood/Michael Moore]**

Whereas, Distinguished ICSOM Legal Counsel (“DILC”) Leonard Leibowitz has served ICSOM and its member orchestras for nearly 35 years; and

Whereas, The access member orchestras have to Counsel is exceptional; and

Whereas, A new three year agreement between the Governing Board and the DILC has been negotiated and now requires approval at the Conference; therefore, be it

Resolved, That Leonard Leibowitz, a/k/a DILC, be retained for a term of three (3) years upon the following financial terms:

2006-07	-	\$3750 per month (\$45,000 annually)
2007-08	-	\$4000 per month (\$48,000 annually)
2008-09	-	\$4166.66 per month (\$50,000 annually)

In all cases, reasonable expenses shall be reimbursed in accordance with ~~past practice~~ governing board policies.

Action taken: change past practice to Governing Board policies.

\* \* \* \* \*

**The following resolution (#4) concerning amendment of AFM Bylaw regarding Orchestra Service Program**

**(OSP) language was adopted. [Motion #5 – Bradford Buckley (St. Louis Symphony) and Governing Board]**

Whereas, It is AFM policy to provide the best possible representational services to its members; and

Whereas, One of the programs used to implement that policy for symphonic members is the Orchestra Service Program (OSP); and

Whereas, The current Orchestra Service Program by-law provides only one method of insuring that Symphonic members receive the best possible representational services; and

Whereas, It would be beneficial to members, locals and the AFM that there be other suitable programs; and

Whereas, A pilot program in St. Louis has proven useful in providing such representational services; therefore, be it

Resolved, That the 2006 ICSOM Conference recommends Article 5, Section 38(b) of the by-laws of the American Federation of Musicians be amended as follows:

**ARTICLE 5, SECTION 38(b)**

In the event that a Local does not or cannot provide the services set forth above in a satisfactory manner, or upon the request of the Local or the members of an orchestra for reasonable cause, the International President (after consultation with the Local and the members involved) shall have the authority to take any of the following actions:

1. Appoint a representative who shall work to resolve any issues that may exist between the Local and the Orchestra members; such representative shall act at the direction of the President, who shall consult with the International Executive Board (IEB) and the appropriate Player Conference on these matters;

2. Implement Article 5, Section 30, of the American Federation of Musicians by-laws;

*SECTION 30. Notwithstanding any other provision of these Bylaws and upon good cause shown, the IEB shall have the authority to assign collective bargaining rights from one Local to another. Such assignment shall be done in accordance with applicable labor law and with a procedure established by the*

*IEB. Such procedure shall include:*

*(1) Consultation with the current signatory Local;*

*(2) Approval of the Local to which the collective bargaining responsibilities are being assigned;*

*(3) Approval of the affected bargaining unit by secret ballot majority vote;*

*(4) Agreement of the signatory employer if required by law or contract.*

3. Place the orchestra in an Orchestra Service Program (OSP) established and maintained under IEB supervision. The OSP shall provide those services and such other assistance as the IEB may deem necessary in the situation at a cost to the Local of 2% of the scale wages received by the orchestra members under the CBA. If the Local Work Dues payable by the members of an orchestra placed in OSP are less than 2%, the Local Work Dues rate payable by the members working under that orchestra's CBA shall be automatically increased to 2%.

Concern was expressed that this proposal should have the support of the AFM IEB at the Convention.

\* \* \* \* \*

**The following resolution (#5) regarding the replacement of the Atlanta Ballet Orchestra with taped music was adopted. [Motion #6 – Governing Board]**

Whereas, The members of the orchestra of the Atlanta Ballet are once again facing the elimination of their jobs; and

Whereas, Once again they need and deserve the support of their colleagues in ICSOM and the AFM; and

Whereas, The elimination of a live orchestra for ballet represents a diminishment of the quality of the dance experience; and

Whereas, The Governing Board and delegates to the ICSOM Conference wish to do everything in their power to support their struggle to maintain their jobs, as well as maintaining the artistic standards of the Atlanta Ballet; therefore, be it

Resolved, That the delegates to the 2006 ICSOM Conference hereby express their full support and empathy for the members of the Atlanta Ballet orchestra, and urge the leadership of the AF of M to once again act as strongly as possible to prevent the lowering of the artistic quality of a nationally-recognized ballet company, and to save the jobs of one of the great ballet orchestras in the nation.

Michael Moore reported the AFM has placed the Atlanta Ballet on the unfair list and the local has filed an unfair labor practice.

\* \* \* \* \*

**The following resolution (#6) regarding contractors on union boards was adopted. [Motion #7 – Robert Levine (Milwaukee Symphony)/David Angus (Rochester Philharmonic)]**

Whereas, It is a long-standing ICSOM policy that the AFM bylaws should prohibit union officers from serving as contractors or in any other supervisory capacity over other AFM members; and

Whereas, ICSOM submitted a resolution on the subject to the AFM 2005 Convention, which received a negative recommendation from the Law Committee on grossly inadequate grounds and without any effort to work with the proponents to resolve the legal issues given by the Law Committee for their negative recommendation; therefore be it

**Resolved**, That the ICSOM Governing Board be directed to re-submit the resolution to the 2007 AFM Convention; and, be it further

**Resolved**, That the ICSOM Governing Board actively seek the support of AFM Locals and the other Player Conferences for such legislation.

Whereas, There are many Locals in which the Officers also work as Contractors, Personnel Managers, or Booking Agents, creating a clear, inherent conflict of interest that has a chilling effect on a member's ability to receive fair and impartial representation; therefore, be it

Resolved, That Article 5, Section 7(d) of the Bylaws be amended, as follows:

No Local Officer shall (1) serve in the position of a Personnel Manager or a Contractor for an employer of musicians in the Local's jurisdiction [~~Beginning with a Local's next election on or after August 1, 2001, no Local Officer, except in Canada, shall serve in the position of a contractor of musicians in the musical theater field.~~]; (2) work in any position where s/he receives any remuneration from contracting or booking musical units (other than a regularly organized one of which s/he is a leader or member) in the Local's jurisdiction, except in his/her capacity as a Local officer administering an employment referral or booking program on behalf of the Local.

Robert Levine explained the reasoning for submission of this AFM bylaw amendment. Paul Frankenfeld (Cincinnati Symphony), Richard Levine, Laura Ross, Thalia Moore (San Francisco Ballet) and David Angus all posed questions or added further clarifications.

\* \* \* \* \*

**The following resolution (#7) regarding the effort to break the collective agreements with the Orquesta Filarmónica in Santiago, Chile was adopted as amended. [Motion #8 – Robert Levine (Milwaukee Symphony)/Michael Moore (Atlanta Symphony); Motion #9 – Jan Gippo/Paul Frankenfeld (Cincinnati Symphony) and amendments accepted by Robert Levine]**

Whereas, The administration of the *Teatro Municipal* in Santiago, Chile has suspended the entire 2006 season in an effort to break the collective agreements with the *Orquesta Filarmónica*, professional choir, and maintenance departments; and

Whereas, The administration of the *Teatro Municipal* has fired 44 workers working under collective agreements, thereby crippling the orchestra, choir and maintenance staff; and

Whereas, The administration of the *Teatro Municipal* has engaged in blatant age discrimination, as demonstrated by the fact that all the terminated members of the orchestra were over the age of 50; and

Whereas, Maximiano Valdes, the internationally renowned Chilean conductor, has resigned as music director on the grounds that he cannot do his job with so few musicians; and

Whereas, The administration of the *Teatro Municipal* has imported orchestras from England and Poland to replace the musicians of the *Orquesta Filarmónica*; and

Whereas, *The Teatro Municipal de Chile* has taken action against the *Orquesta Filarmónica*, as well as many other non-orchestra member-employees; and

Whereas, These actions have resulted in the loss of work for these employees, as well as the loss of their ability to join and form unions, and to bargain collectively for the terms and conditions of their employees; and

Whereas, The rights of workers of all kinds to join together and act in concert for their mutual aid and protection should be considered inalienable; and

Whereas, The administration of the *Teatro Municipal* has engaged in a concerted campaign in the press to defame and denigrate its own musicians and employees; therefore, be it

Resolved, That the delegates to the 2006 ICSOM Conference express their support for their colleagues in the *Orquesta Filarmónica*, and the members of the chorus and the maintenance staff; and, be it further

Resolved, That the delegates to the 2006 ICSOM Conference urge President Michelle Bachelet to intervene to preserve the artistic and organizational integrity of the *Orquesta Filarmónica*; and, be it

Resolved, That the delegates to the 2006 ICSOM Conference deplore these actions of the *Teatro Municipal* as a blatant attempt to destroy the rights of the musicians of the *Orquesta Filarmónica* and their colleagues.

Action taken: amended language to be inserted into original resolution as follows – Whereas sections to follow fifth “Whereas” and the Resolved section to follow final “Resolved”.

Whereas, *The Teatro Municipal de Chile* has taken action against the *Orquesta Filarmónica*, as well as many other non-orchestra member-employees; and

Whereas, These actions have resulted in the loss of work for these employees, as well as the loss of their ability to join and form unions, and to bargain collectively for the terms and conditions of their employees; and

Whereas, The rights of workers of all kinds to join together and act in concert for their mutual aid and protection should be considered inalienable; and

be it further

Resolved, That the delegates to the 2006 ICSOM Conference deplore these actions of the *Teatro Municipal* as a blatant attempt to destroy the rights of the musicians of the *Orquesta Filarmónica* and their colleagues.

Robert Levine said he would like to post this resolution on Orchestra-L as soon as possible.

\* \* \* \* \*

**The following resolution (#8) regarding banning the Virtual Orchestra Machine was adopted. [Motion #10 – Governing Board]**

Whereas, The virtual orchestra machine represents a very real threat to live music; and

Whereas, Local 802, under the leadership of President David Lennon, has fought against the use of this machine for the past two (2) years; and

Whereas, As a result of this campaign, there are now virtual orchestra machine bans in cities across the nation, as well as legal rulings upholding the legality of these bans; therefore, be it

Resolved, That the ICSOM Governing Board and the delegates to the 2006 ICSOM Conference express their admiration and gratitude to Local 802 and David Lennon for their ongoing and courageous campaign to ban or at least restrict, to the greatest extent possible, the use and/or the proliferation of the virtual orchestra machine in any form or incarnation, and for their devotion to the cause of live music.

Len Leibowitz extended thanks and gratitude from David Lennon who had already departed the conference.

\* \* \* \* \*

**The following resolution (#9) regarding Jan Gippo's tenure as ICSOM Chairman was adopted by unanimous consent. [Motion #11 – Governing Board]**

Whereas, Jan Gippo has served his orchestra, the Saint Louis Symphony Orchestra, in a number of capacities, including Chair of the Musician's Council, member and Chair of the Negotiating Committee and ICSOM delegate; and

Whereas, In 2002 he was elected Chairman of ICSOM; and

Whereas, His election to the chairmanship of ICSOM came at a crucial and difficult moment in the history of the organization; and

Whereas, During his stewardship, Jan worked with a restructured Governing Board, initiated personal visits to many constituent orchestras, represented ICSOM with distinction at numerous conferences and seminars including the annual ASOL Conference, and initiated Delegate – L as an innovative method of private communication among ICSOM delegates; and

Whereas, By these and other activities he has advanced the causes of ICSOM, and those of the entire symphonic workplace; and

Whereas, He has chosen to step down as chair of ICSOM in order to devote most of his time to his new wife and family, as well as internal matters of his orchestra; therefore, be it

Resolved, That the delegates to the 2006 International Conference of Symphony and Opera Musicians Conference express their respect, admiration and gratitude to Jan Gippo for his remarkable body of work on behalf of the members of his own orchestra as well as the members of all ICSOM, ROPA and OCSM Orchestras in North America; and be it further

Resolved, That Jan Gippo be granted the title of Chair Emeritus as a gesture of respect and admiration; and be it further

Resolved, That this Resolution be framed and presented to Jan Gippo as a memento of the fondness and respect in which he is, and shall always be held.

Gippo was also presented with a plaque and an ICSOM inscribed pewter wine coaster.

\* \* \* \* \*

**The following resolution (#10) regarding Michael Moore's uninterrupted service for 25 years as the Atlanta Symphony ICSOM Delegate was adopted by unanimous consent. [Motion #12 – Governing Board]**

Whereas, Michael Moore has served as the ICSOM delegate from the Atlanta Symphony Orchestra for a quarter of a century without a break in service; and

Whereas, This distinguished service also included 12 years of service as Member at Large and since 2002 service in the incredibly difficult and virtually thankless office of "IHAT" (ICSOM Hard-Ass Treasurer); and

Whereas, His contributions to ICSOM, the AFM, his local union, and especially to his colleagues in the ASO as well as those of virtually every other musician in the nation have been immeasurable; and

Whereas, He is eminently deserving of the accolades and gratitude of all of us; therefore, be it

Resolved, That the delegates to the 2006 ICSOM Conference hereby congratulate Michael Moore for his many contributions over these past twenty-five years, and express their appreciation for service well-done, and their wishes for as many more years as he is willing to continue to devote to the improvement of the quality of life of symphony, opera and ballet musicians everywhere.

Moore was also presented with a pewter plate inscribed "25-year ICSOM Delegate". He thanked the Governing Board and delegates.

\* \* \* \* \*

**The following resolution (#11) regarding David Angus's service to ICSOM for 30 years, 25 of which were served as the Rochester Philharmonic ICSOM Delegate was adopted by unanimous consent. [Motion #13 – Governing Board]**

Whereas, for the past thirty years the AFM, and most of all, the members of all symphony, opera and ballet orchestras throughout the United States and Canada have been quietly, but admirably and effectively served by David Angus; and

Whereas, This service has included representing his own orchestra as ICSOM delegate for 25 of those years, as well as Chair of his Orchestra Committee, President of his Local Union, Trustee of the AFM Strike Fund, Chair of the ICSOM Nominating Committee, Regional Vice-Chair of the Eastern Orchestras of ICSOM, and most notably, the President of ICSOM; and

Whereas, His name must be added to the list of ICSOM luminaries who, over the years, have given so much of themselves to the betterment of the working lives of symphonic musicians, and to musicians everywhere; therefore, be it

Resolved, That the delegates to the 2006 ICSOM Conference hereby express their respect, gratitude, admiration and genuine fondness of David Angus, and that they will continue to hold him in that same high regard and esteem in which he is held by all who have had the pleasure of working with him in any of his many roles.

Angus was also presented with a pewter plate inscribed "25-year ICSOM Delegate". He thanked the Governing Board and delegates.

\* \* \* \* \*

**The following resolution (#12) regarding Nancy Stutsman's service as Member-at-Large was adopted by unanimous consent. [Motion #14 – Governing Board]**

Whereas, Nancy Stutsman has served the Kennedy Center Orchestra and ICSOM as a delegate for many years; and

Whereas, She has also served on the ICSOM Governing Board as a valued member during the 2005-06 season; and

Whereas, For personal reasons, her tenure on the Governing Board has been all too short; and

Whereas, She is deserving of high praise and gratitude for these years of service to her Colleagues; therefore, be it

Resolved, That the Governing Board and the delegates to the 2006 ICSOM Conference hereby express their thanks and good wishes to Nancy ("Queen") Stutsman for her service to ICSOM and the orchestra field at large, as well as their regrets that she will no longer serve as a member at large of this Governing Board.

Stutsman thanked the Governing Board and thanked Laura Ross for her hard work.

\* \* \* \* \*

Robert Levine, on a point of personal privilege, reminded the delegates that Jan Gippo was elected Chairman at a conference where he had intended on running for Treasurer. Although Gippo had been unprepared for the job, his willingness to learn has proven what a special individual he is and Levine expressed his belief that Gippo's commitment to the field will continue in the future.

At this point in the proceedings, Jan Gippo formally handed over the gavel to Bruce Ridge, who became the 10<sup>th</sup> Chairman of ICSOM.

**Site Selection:** Bruce Ridge announced (as Earl Yowell of the St. Paul Chamber Orchestra had previously discussed) that the 2007 conference will be held August 15-18 in Minneapolis MN.

### **Good & Welfare**

Mary Plaine expressed her thanks from Paul Gunter on his election.

John Lindberg expressed his thankfulness for the Virginia Symphony's membership in ICSOM.

Jan Gippo thanked Brad Mansell as Nashville Symphony conference coordinator. He also thanked the musicians and staff of the Nashville Symphony for their hospitality and treatment. He also thanked Robert Levine as the assistant conference coordinator.

Brad Mansell thanked everyone for attending.

TEMPO - Nancy Stutsman urged everyone to help AFM Legislative Director Hal Ponder in his activities on behalf of the AFM and our members and announced that ICSOM raised \$2,200 for TEMPO.

Laura Ross urged all members to sign up for AFM legislative alerts and thanked Brad Mansell and Robert Levine for their assistance during the conference.

Conference ended at 2:30PM.