



INTERNATIONAL CONFERENCE OF
SYMPHONY AND OPERA MUSICIANS

2010 ICSOM Conference
Hyatt Regency Houston - Houston, TX
August 18-21, 2010

IT'S TIME TO EMBRACE THE FUTURE

Wednesday, August 18, 2010

ICSOM Chairperson Bruce Ridge (North Carolina Symphony) called the meeting to order at 10:05AM. He welcomed the delegates and began by introducing the ICSOM Governing Board and interim Counsel:

Brian Rood, ICSOM president (Kansas City Symphony)
Laura Ross, ICSOM secretary (Nashville Symphony Orchestra)
Michael Moore, ICSOM treasurer (Atlanta Symphony Orchestra)
Richard Levine, ICSOM editor *Senza Sordino* (San Diego Symphony Orchestra)
Matthew Comerford, ICSOM governing board member-at-large (Chicago Lyric Opera Orchestra)
Cathy Payne, ICSOM governing board member-at-large (San Francisco Symphony)
Paul Gunther, ICSOM governing board member-at-large (Minnesota Orchestra)
Meredith Snow, ICSOM governing board member-at-large (Los Angeles Philharmonic)
Michael G Okun, Patterson Harkavy LLC, interim Counsel

ICSOM Secretary Laura Ross read the roll call of orchestras. Delegates were encouraged to introduce orchestra members and local officers who were joining them:

Alabama Symphony Orchestra	Jeff Solomon [for Kathleen Costello]
Atlanta Symphony Orchestra	Michael Moore
Baltimore Symphony Orchestra	Mary Plaine
Boston Symphony Orchestra	James Orleans
Buffalo Philharmonic Orchestra	Robert Prokes
Charlotte Symphony Orchestra	Ellyn Stuart
Chicago Lyric Opera Orchestra	Matthew Comerford
<i>Chicago Symphony Orchestra</i>	<i>Rachel Goldstein (unable to attend)</i>
Cincinnati Symphony Orchestra	Paul Frankenfeld
<i>The Cleveland Orchestra</i>	<i>Lembi Veskimets – ON TOUR</i>
Colorado Symphony Orchestra	Justin Bartels [for Stephen Dombrowski]
Columbus Symphony Orchestra	Michael Buccicone
Dallas Symphony Orchestra	Matt Good
Detroit Symphony Orchestra	David Everson
Florida Orchestra	Warren Powell
Fort Worth Symphony Orchestra	George Dimitri
<i>Grant Park Symphony Orchestra</i>	<i>Dale Newton</i>
Honolulu Symphony Orchestra	Steve Flanter
Houston Symphony Orchestra	Eric Arbiter
Indianapolis Symphony Orchestra	Louise Alexander
Jacksonville Symphony Orchestra	Betsy Federman
Kansas City Symphony	Timothy Jepson
Kennedy Center Orchestra	Peter de Boor
Los Angeles Philharmonic	Meredith Snow
Louisville Orchestra	Steve Causey
Metropolitan Opera Orchestra	Marvin Topolsky
Milwaukee Symphony Orchestra	Robert Levine
Minnesota Orchestra	Paul Gunther [for Norbert Nielubowski]
Nashville Symphony Orchestra	Bradley Mansell

National Symphony Orchestra	Bill Foster [for Truman Harris]
New Jersey Symphony Orchestra	Martin Andersen
New York City Ballet Orchestra	Ethan Silverman
New York City Opera Orchestra	Gail Kruvand
New York Philharmonic	Katherine Greene [for Kenneth Mirkin]
North Carolina Symphony	Elizabeth Lunsford
Oregon Symphony Orchestra	Alicia Paulsen
Philadelphia Orchestra	John Koen
Phoenix Symphony Orchestra	Ron Whaley
Pittsburgh Symphony Orchestra	Penny Brill
<i>Puerto Rico Symphony Orchestra</i>	<i>Jaime Amador</i>
Rochester Philharmonic Orchestra	David Angus
Saint Louis Symphony Orchestra	Christian Woehr
Saint Paul Chamber Orchestra	Leslie Shank
San Antonio Symphony	Emily Freudigman
San Diego Symphony Orchestra	Sam Hager
San Francisco Ballet Orchestra	Thalia Moore
San Francisco Opera Orchestra	Carla Maria Rodrigues [for Thalia Moore]
San Francisco Symphony Orchestra	John Chisholm
Syracuse Symphony Orchestra	Patricia Sharpe
Utah Symphony	George Brown
Virginia Symphony	Tom Reel [for Laura Leising]

Bill Foster, ICSOM Electronic Media Committee chairman (National Symphony Orchestra)

OTHER AFM PLAYER CONFERENCES:

Paul Austin, vice-president, Regional Orchestra Players' Association (ROPA)
 Francine Schutzman, president, Organization of Canadian Symphony Musicians (OCSM)
 Phil Ayling, president, Recording Musicians Association (RMA)
 Vicky Smolik, president, Theater Musicians Association (TMA)

AMERICAN FEDERATION of MUSICIANS:

Ray Hair, AFM President
 Bruce Fife, AFM Vice President
 Bill Skolnik, AFM Vice President of Canada
 Sam Folio, AFM Secretary Treasurer
 Dave Pomeroy, AFM IEB and president, Local 257, Nashville TN
 Vince Trombetta, AFM IEB and president, Local 47, Los Angeles CA
 Tino Gagliardi, AFM IEB and president, Local 802, New York NY
 Tina Morrison, AFM IEB and president, Local 105, Spokane WA
 Joe Parente, AFM IEB and president, Local 77, Philadelphia PA
 Chris Durham, director, AFM SSD
 Nathan Kahn, AFM SSD negotiator
 Deborah Newmark, AFM SSD, director, Symphonic Electronic Media
 Joel LeFevre, AFM-SSD, contract administration & data coordination
 Joseph Goldman, AFM-SSD benefits analysis
 Barbara Owens, AFM-SSD negotiator/AFM international representative
 Bernard LeBlanc, associate director, AFM-SSD CANADA
 Lew Mancini, AFM chief operating officer

OFFICERS OF AFM LOCALS:

Gordon Stump, president, Local 5, Detroit MI
 Bob McGrew, secretary-treasurer, Local 65-699, Houston TX
 Lovie Smith-Wright, president, Local 65-699, Houston TX
 Gary Matts, president, Local 10-208, Chicago IL
 Jay Blumenthal, vice-president, Local 802, New York NY
 Brien Matson, president, Local 677, Honolulu HI
 Patrick Hollenbeck, president, Local 9-535, Boston MA
 John Cusick, president, Local 161-710, Washington DC
 Paul Castillo, trustee, Local 47, Los Angeles CA & parliamentarian

SPEAKERS/PANELISTS:

Maureen Kilkelly, executive director, American Federation of Musicians and Employers' Pension Fund (AFM-EPF)
Will Luebking, director of finance, AFM-EPF
Barbara Jaccoma, attorney/negotiator
Susan Martin, attorney/negotiator, Martin & Bonnett LLC
Liza Hirsch Medina, attorney/negotiator
Mel Schwarzwald, presenter, Schwarzwald McNair & Fusco LLP
Shari Hoffman, fund manager, live television/videotape Film Musicians' Secondary Markets Fund
Anne Mayerson, attorney, Bredhoff & Kaiser PLLC

OBSERVERS and OTHER GUESTS:

John Kitzman, alternate ICSOM delegate, Dallas Symphony Orchestra
Karen Schnackenberg, observer, Dallas Symphony Orchestra & vice president, Local 72-147, Dallas-Ft. Worth TX
David Kirk, observer, Houston Symphony Orchestra
David Gruender, alternate ICSOM delegate, Indianapolis Symphony Orchestra
Kim Tichenor, observer, Louisville Orchestra
Robert Simonds, observer, Phoenix Symphony Orchestra
Greg Goodall, observer, Los Angeles Opera Orchestra
Tim Tull, observer, Houston Ballet Orchestra
Phil Yao, AFM-EPF Trustee
Bill Moriarity, AFM-EPF Trustee
Rochelle Skolnick, AFM-SSD counsel, Schuchat Cook & Werner
Jen Kuhn, observer, RMA-LA
Harvey Mars, Local 802 attorney
Dennis Dreith, administrator, AFM & AFTRA Intellectual Property Rights Distribution Fund
Patricia Polach, AFM counsel, Bredhoff & Kaiser PLLC
Bernice Beckerman, guest, Houston Symphony Orchestra – retired, former ICSOM Regional VP and MAL
Beverly McGrew, guest

2010 ICSOM Houston Symphony Conference Coordinator Burke Shaw spoke about the wonderful contributions of Local 65-699 President Lovie Smith-Wright and Secretary-Treasurer Bob McGrew. Houston Symphony ICSOM Delegate Eric Arbiter welcomed the delegates and guests and thanked the governing board, and Houston's local officers for their hard work.

Local 65-699 President Lovie Smith-Wright welcomed delegates, officers and guests. She extended the best wishes of former delegate David Waters, and expressed her delight for the opportunity to host the conference.

Local 65-699 Secretary-Treasurer Bob McGrew welcomed the delegates and spoke about the evening mixer that included a reception at the Inn at the Ballpark followed by the Mets – Astros game at Minute Maid Park.

MSC [Matt Comerford (Chicago Lyric), Paul Frankenfeld (Cincinnati)] to waive the dues of the Honolulu Symphony.

MSC [Mary Plaine (Baltimore)/John Koen(Philadelphia)] to approve the 2009 ICSOM Conference minutes.

Officer Reports

ICSOM Chairman Bruce Ridge spoke of his pride in the advocacy and unity of ICSOM's orchestras. Orchestras have value; they are not a dying breed. The Houston Symphony, which is approaching its 100th anniversary, together with all Houston's arts organizations, generates \$626 Million in economic activity annually in the city of Houston. For four years he has spoken about the need for a positive message about our art form; he is pleased that *New York City Journal* writer Heather MacDonald has now become an advocate for the need to speak positively.

Ridge pointed out that orchestra board members appear quick to accept an education and excuses from managers incapable of handling their positions; behavior they would never accept in their own businesses. Many of those same managers also receive very inflated salaries. He said one of the lowest points this past year occurred during a discussion with a board member of a major orchestra who was unwilling to read Michael Kaiser's book. He spoke about the problems faced in Honolulu, Charleston and Detroit.

The new message from the League of American Orchestras, our managers and boards is "the old model is broken." They finally realize their orchestra's financial problems are cyclical, so they flounder for a "new model" rather than fully supporting their orchestras and begin to understand that orchestras are unique, that musicians are not overpaid. As an

example, Ridge compared his salary to athlete LeBron James – Ridge would have to work more than 367 years to equal one year of James' salary. The crisis in classical music is in the management of those institutions.

Ridge then spoke about the recent AFM Convention when more than 86% of ICSOM orchestras provided support with signed petitions that countered IEB legislation that led to the withdrawal of those proposals. This success belongs to the delegates and their orchestra colleagues. He thanked *emeritus* officers David Angus and Robert Levine for their advice; Levine was also singled out for providing a live blog from the AFM Convention that had more than 5,000 hits. He acknowledged the new International Executive Board, who has scheduled their first quarterly meeting during this conference; they will join us to open the lines of communication to show they are dedicated to working with ICSOM. Ridge thanked the IEB and AFM President Ray Hair for this opportunity.

Whenever the ICSOM Governing Board has asked for help, delegates and their orchestras have responded. This week Ridge will call for additional action – the conference theme is “It’s Time to Embrace the Future” as opposed to the theme of the League’s recent conference “It’s Time to Take on the Future.” The future of ICSOM will be determined at this conference; many difficult decisions were made this year, some of which may have been considered controversial, but the board is eager to take on the challenges of the future. ICSOM must recommit itself to advocacy because audiences are eager for a message of hope; they want to show pride in their cities and allow people to attain their goals. ICSOM’s members should be encouraged to work with Americans for the Arts and to be their own advocates since no one else will.

ICSOM recently lost a great advocate in Jaime Austria, a member of the New York City Opera Orchestra. Among his many accomplishments he began a petition online that collected more than 400,000 signatures. Ridge noted that upon hearing of Jaime Austria’s death, he reviewed email communications from Austria; one included a signature tag indicative of his activism, which Ridge believes should be a philosophy all should seek to emulate. It was a Brazilian proverb which read “*When we dream alone, it is only a dream. When we dream together, it is no longer a dream but the beginning of reality.*”

Ridge thanked the Governing Board and interim Counsel Mike Okun for their work, advice, and friendship. He closed saying he believes that ICSOM has never been more unified, but the work must continue, both by building on that unity and inspiring our communities. He said ICSOM can offer a message of hope and service, and he thanked the delegates for allowing him to serve ICSOM and its members.

[The complete text of speeches by Chairman Ridge, President Rood, ROPA Vice President Paul Austin and OCSM President Francine Schutzman can be found on the ICSOM website <http://icsom.org/conferences/2010/index.html>]

The AFM International Executive Board entered the room as Ridge began his address. Following the conclusion of his remarks, he introduced the IEB to delegates and guests.

ICSOM President Brian Rood began by thanking the entire Houston contingent for hosting the conference. He then addressed many of the negotiating reports heard at the Tuesday evening session; orchestras’ agreements are not only facing demands regarding remuneration, they are also being asked to reduce benefits and dilute work rules and tenure. Management and board members now say they believe the job must be redefined, allowing for the replacement of orchestra activities through service conversion, whether for office work or other types of work management might deem necessary. Rood spoke about the American Orchestra Summit in Ann Arbor, Michigan, he and Secretary Laura Ross attended in January. Many of these ideas were discussed at that time and some were presented as ideal goals for the future of the orchestra industry.

Rood spoke about his attendance at the OCSM conference last week. Randy Cohen, Vice President of Americans for the Arts (AFTA) was the keynote speaker; he commended Chairman Bruce Ridge for reaching out to AFTA three years ago and beginning this partnership.

Rood welcomed and congratulated the new AFM president and IEB. He spoke of the welcome he, Ridge and Matt Comerford received from many delegates at the AFM Convention. He also thanked the ICSOM delegates for playing a huge role in the outcome of two important pieces of legislation; their contributions made a huge impact on local officers – both Recommendations #2 and #24 were withdrawn. He believes this was unionism at its best.

Rood mentioned the AFM pension fund, the financial issues it is dealing with and he thanked President Hair for appointing him to serve as one of the three rank-and-file AFM-EPF Trustees.

He closed by reminding delegates that the 60 members attending the negotiating session on Tuesday evening heard a number of horror stories detailing bad behavior and attacks on ICSOM’s orchestras, and encouraged everyone to remain vigilant.

ICSOM Secretary Laura Ross posed a question, to be further discussed at one of the town meetings, to stop printing the delegate handbook and provide a CD-ROM instead. She thanked delegates for their timely settlement bulletin information and mentioned that delegate and guest mailboxes had been move into the conference meeting room.

ICSOM Treasurer Michael Moore reviewed the ICSOM report sent in the July conference mailing. Expenses were down and though interest on investments was down, ICSOM did not lose any money since those investments are in CDs.

ICSOM Senza Sordino Editor Richard Levine said each issue features information about what is going on in our orchestras; the newsletters are a very important component. He spoke about keeping current with address changes, adjusting the number of copies received by each orchestra, and asked that delegates distribute copies to their management.

Nominations - Mary Plaine, Chair, ICSOM Nominating Committee

Mary Plaine (Baltimore) placed the names of Bruce Ridge, Michael Moore, Richard Levine, Meredith Snow and Paul Gunther in nomination for the offices of Chairperson, Treasurer, Editor, and two Members at Large. She thanked committee members Eric Arbiter (Houston) and Dolores D'Aigle (Oregon) and said the current board is working very smoothly together; however, at some point there must be a discussion about officer succession in the future.

Brian Rood solicited further nominations; there being none, nominations remain open.

AFM Convention Report - Matt Comerford, AFM Delegate *[written report is available with secure login in the 2010 Conference section of the ICSOM website]*

Matt Comerford reported his observations about the AFM convention as a first-time delegate. The convention was very exciting though there were not as many fireworks as have been reported during previous conventions. He mentioned the various ways ICSOM members participate, with some attending as Local delegates in addition to the ICSOM representatives. He walked through the daily proceedings, memorial service, and how the ICSOM representatives solicited signatures for a roll call vote had it been necessary to vote on Recommendations 2 & 24. He spoke about testifying during committee hearings and felt that while the rhetoric grew quite heated, things went relatively well and everyone was received with respect. Following the revelation of the Wednesday evening election results, the tone of the final day was much improved. It included speeches by the heads of the five Player Conferences, outgoing/incoming IEB members, Tom Lee and Ray Hair's speech, which was gracious and included a pledge to reach out to all members to rebuild a stronger union. Comerford outlined participation by Ray Hair and new IEB members, who worked through the night to devise a new substitute financial resolution that removed the assessments on the secondary markets and special payments funds that will be replaced by a new fee that must be ratified by participating members. The IEB has a very difficult task ahead of them and ICSOM supports their efforts. Comerford thanked the delegates for their work on the call to action that affected positive change – ICSOM achieved its legislative goals.

ICSOM delegates and officers who attended the convention as voting delegates were recognized.

AFM President Ray Hair

Following a standing ovation after his introduction by ICSOM Chair Bruce Ridge, President Hair expressed his great appreciation for the support he received during the campaign and his belief that divisions can be overcome. Hair spoke about his history as a freelance and traveling musician and his realization that musicians' careers were affected more by exploitation than by musical excellence. This led him to an understanding about the importance of the AFM because the union leveled the playing field. He was elected president of the Fort Worth local in 1982; his first convention was in Phoenix in 1983. During that time, SSD director Lew Waldeck, Fort Worth Symphony member and ROPA Secretary Jane Owen and ROPA president Nathan Kahn taught him about ICSOM and ROPA and the importance of working together to improve our lives. Now, as AFM president he faces even greater challenges. Musicians bring joy to the world and audiences come to see musicians, not the companies and institutions that seem to believe they are more important.

Hair spoke about the troubles in Detroit, and related that in Richardson police were on site to keep the union out of a meeting where musicians were informed the CBA was no longer valid and a thing of the past. In Fort Worth management is demanding a reduction in the orchestra's season from 52 to 42 weeks. He believes managers and board members want to hurt orchestras by dividing them and causing discord by stripping away the benefits musicians have worked so hard to achieve. Musicians must stand together to protect and defend their orchestras and union and to remember what was done to achieve that strength. There can be no groveling to those attackers.

Hair asked the delegates for their help to rebuild the union. He announced some staff changes at the AFM – Emeritus IEB member Ken Shirk has been appointed to head the West Coast office, Dick Gabriel has been appointed director of EMS and Lew Mancini has been appointed chief operating officer of the AFM. (Mancini was acknowledged and received a round of applause.) Hair closed his address by introducing his newly appointed AFM-EPF Trustees – Gary Matts from Chicago Local 10-208, Tino Gagliardi from New York City Local 802, Vince Trombetta from Los Angeles Local 47, former Local 802 president and one-time trustee Bill Moriarity, and rank-and-file members Phil Yao, Brian Rood, and Laura Ross.

Houston Mayor Annise Parker greeted delegates and guests following the lunch-break and welcomed them to a city that is proud to consider itself an Arts city that supports the symphony, opera, ballet, theaters and museums. She agreed the economy is difficult to maneuver and arts groups are struggling; however, she also said cultural treasures must be preserved. Mayor Parker was pleased to hear delegates would be attending the Astros game that evening and praised the diversity of the fourth largest city in the US that supports culture, technology and medicine and are very proud NASA calls Houston home. She expressed her appreciation for the opportunity to speak to the conference and urged them to return in the future.

The Affordable Care Act – Susan Martin (*see PowerPoint presentation at www.icsom.org*)

Attorney Susan Martin began her presentation explaining how important it is to understand changes to health care requirements when bargaining. She reviewed the Patient Protection and Affordable Care Act (3/23/10) and the Health Care and Education Reconciliation Act (3/30/10), which amended and added to existing provisions of the Public Health Service Act, ERISA and the Internal Revenue Code. She explained the major goals of these provisions and how those goals will be met, as well as how these laws affect states, employers and employees.

She touched on a number of issues:

- Many key provisions will become effective on different dates. For example, pre-existing condition exclusions are prohibited for children under age 19 commencing in plan years after September 23, 2010, but pre-existing exclusions for adults are not prohibited until 2014, which is also when many other provisions take effect. The “Cadillac plan” excise tax does not begin until 2018 and includes a 40% excise tax on the cost of the plan above a threshold of \$10,200 for single coverage and \$27,500 for families (indexed for inflation). Some Medicare provisions, like reimbursements for drugs (the “donut hole”) will close by 2020.
- Plans have grandfathered status if ratified before 3/23/10 but grandfathered status can be lost if the policy, certificate or contract of insurance changes (with the exception of automatic renewal), if essential benefits are cut or reduced, if there is a change to a copayment of more than the greater of \$5 multiplied by medical inflation plus \$5 or by 15% plus medical inflation, if cost sharing requirements increase by more than 15% plus medical inflation, or if the employee contribution percentage changes by more than 5%. Premium cost increases do not affect status unless changes are made to the plan itself. The government believes grandfathered status will be difficult to retain, and if a plan is grandfathered, it must now be disclosed. Additionally, the cost of health care will be listed on W-2 forms after 12/31/10. She pointed out that many of the rules governing these issues are in the process of being addressed in regulations.
- As of September 23, 2010, lifetime cost limits on essential health benefits may no longer be applied.
- For plans that have them, annual limits on essential health benefits will now increase yearly to \$750K/\$1.25M/\$2M, and no annual limits will be allowed beginning in 2014.
- Beginning now, children up to age 19 may no longer be excluded due to pre-existing conditions. Children up to the age of 26, regardless of marital (foster/step/adopted) or student status, may be covered immediately; for grandfathered plans a child up to age 26 may be excluded if the child is eligible for health benefits elsewhere, but only until January 1, 2014.
- Beginning 1/1/11, over the counter drugs may not be reimbursed by FSAs, HRAs or HSAs.
- Orchestras offering a Retiree Insurance Plan for retirees age 55 and older are eligible to apply for and receive reimbursement of 80% for claims between \$15K and \$90K. Funding ends in 2014 or earlier if allocated funds (\$5 billion) run out.
- The Mental Health Parity and Addiction Equity Act, now in effect, requires that coverage may be no more restrictive than everything else accorded under the plan. Out of network benefit limits must be the same.
- Suggested resources include www.healthcare.gov and www.dol.gov/ebsa

- She clarified for Peter de Boor (Kennedy Center) that a large employer is defined as 200 or more participating employees and explained that most orchestras usually employ between 100-200 people.

Martin answered questions from Peter de Boor, Matt Good (Dallas), Michael Moore (Atlanta), Richard Levine (San Diego), Emily Freudigman (San Antonio), Bill Foster (National), Thalia Moore (San Francisco Ballet), Martin Andersen (New Jersey) and Steve Flanter (Honolulu) about applications of this law for their orchestras. Martin shared the information that insurance companies have already begun increasing rates based on what the law will require. If management asks to make changes to the policy to contain cost, they could not only lose grandfathered status but could also increase the policy cost due to increased benefits.

The Life and Times of the American Federation of Musicians of the United States and Canada, AFM President Ray Hair [*Source documents for this presentation may be found in the 2010 Conference section of the ICSOM website*]

Ray Hair's presentation traced the history of the AFM, officially founded in 1896, yet with its earliest precursors in 1857 that were little more than social clubs with burial benefits. The National Musicians Association (NMA) formed between 1871 and 1882 to address road show competition, and in 1886 fifteen locals formed the National League of Musicians (NLM). The NLM was controlled by eastern cities because voting was based on the concept of one member/one vote. In 1898 American Federation of Labor (AFL) President Samuel Gompers began chartering locals (which later became the AFM), sometimes in the same jurisdiction as NLM locals. Organizer Owen Miller became the AFM's 1st president. The final NLM disbanded in 1904 and became Local 310 AFM.

Many locals in the NLM were extremely protective and would not allow others to work in their jurisdiction. When AFM President Joseph Weber was elected (from 1900-1940) he proposed a single membership card but was forced to compromise by agreeing instead to allowing transfers from local to local; at the same time convention voting representation was changed to 100 members per vote with a cap of 10 votes. Membership in 1917 was equivalent to what it is today but with more than 700 locals. The invention of film and phonograph recording at the end of the 19th century had an enormous impact on vaudeville, since each theater employed between 10-15 musicians and the demand for musicians was extreme. By 1930 there were fewer than 500 musicians playing in orchestra pits due to the introduction of talkies, and a massive exodus to the west coast had begun. Weber was able to negotiate with the television networks for employment guarantees, and with the record companies for "home use only" prohibitions that did not allow radio broadcasters to play them on the radio (thus assuring employment for radio orchestras.) Additionally, the film agreement required that the recorded music be used only for that particular film. Unfortunately, a court case claiming loss of income did away with the "home use only" prohibition. This set the stage for the election of James Petrillo in 1940.

In preparation for a recording ban, Petrillo broke the American Guild of Musical Artists (AGMA) by convincing singers to join the AFM. He also brought the last hold-out in the orchestra industry – the Boston Symphony – into membership, and then took the entire music industry out on strike from 1942 to 1944. There was a public outcry that led to a Senate inquiry and an anti-trust suit. In 1943 a trust fund was set up to offset unemployment by major labels except for RCA, CBS and Decca – who had come to agreement with the AFM. In November 1944, RCA, CBS and NBC finally settled with the AFM. The first four-year agreement was \$41.25 per session plus 2 ½ % paid directly to the AFM.

The US government was angry that Petrillo had violated a direct request from Roosevelt during the strike to return to work. That anger took the form of the Lee Act that prevented featherbedding, outlawed secondary boycotts and forbade employer payments directly to a union. Petrillo's response was to call for another recording ban in 1947, swearing he would never allow recording again. This time a complaint was filed by the labels that ended with a new five-year agreement of \$41.25 per session and 2 ½ % directed to the newly established Musicians Performance Trust Fund (MPTF). From 1945-48 television work was banned and in 1948, the Networks, Desilu and Disney reached agreement on a new live TV contract. Due to syncing problems (audio/video) they had to use "dummy" tracks and pay standbys, which meant employers turned to Europe to cut cost (Local 47 lost 80% of its work.) But, all the royalties (5%) were paid directly to the MPTF and, in 1954 the raises (21%) for the four-year agreement were paid to the MPTF instead of to the musicians.

This money diversion led to a revolt by Los Angeles musicians, spearheaded by Cecil Reed who filed four lawsuits against the AFM. The Musicians Guild of America was also formed during this dispute. Congress began investigating the AFM and MPTF, its voting procedures, and undemocratic structure. In 1967 the Supreme Court awarded the plaintiffs \$3.5M. During negotiations with the AFM in 1958, the producers walked out taking composers, arrangers, copyists, conductors and orchestra leaders with them. In 1958 an AFM boycott was ineffective, and the Guild was allowed to negotiate an agreement that included a reusable track-library for TV/Film and a session rate of \$72.50. The

AFM finally reached an agreement with employers in 1959 that reduced MPTF contributions from 5% to 1% and also banned use of foreign tracks, established the pension fund which paid 8% of scale, and increased the per session rate to \$56. That same year Petrillo retired and Herman Kenin was elected.

As the Guild in LA began to fail, Kenin was able to negotiate some restrictions on the use of library tracks, and pension payments for TV as well. The special payments fund based on residuals was established and contributions to the MPTF disappeared. In 1961 a dialog between the Guild and AFM established a representational recording musicians committee that would actively participate in negotiations and agreement that all CBAs would be ratified by the membership.

During this period, New York City orchestra leaders began their own revolt and hired attorney Godfrey Schmidt to assist them. They were angry and insisted that Local 802 bargain with orchestra leaders over wages because they believed they were the employers of musicians. This case dragged on for many years and led to the formation of the National Association of Orchestra Leaders (NAOL) who filed numerous lawsuits and NLRB charges; in 1978 the AFM withdrew the freelance contract, bookers were no longer restricted from hiring non-union musicians, and the AFM's unfair list was changed to reflect primary disputes only.

At its highest, AFM membership in 1976 was 332,000 members; today in 2010 it stands at 84,000 members. These numbers can be attributed to what the AFM gained and lost over the years in its bargaining agreements and its relationship with its members and employers.

Hair closed his presentation by listing possible courses of action moving forward. He also commented that the money spent the past few years due to infighting could have been spent on much more important things that might have helped the AFM attract new members.

Paul Frankenfeld (Cincinnati) recommended reading material and Peter de Boor requested a copy of Hair's presentation.

Thursday, August 19, 2010

Roll call

Nominations: No additional nominees at this time; nominations remain open.

Symphonic Services Division (SSD) Presentation – part 1

SSD Director Chris Durham thanked Paul Gunther who brought Minnesota Orchestra colleague David Herring to SSD's attention. Herring worked with SSD staff to devise and design a new interactive Wage Chart, and to improve the data entry process. Durham spoke briefly about input from the Player Conferences and thanked ICSOM President Brian Rood and ROPA Vice-President Paul Austin for their assistance, which included meeting with SSD staff and David Herring earlier in the year.

Durham then turned over the presentation to Joel LeFevre who serves as contract administrator and data coordination for SSD. LeFevre introduced the new Wage Chart features which are more efficient and user friendly for the delegates, including improved readability and a chart more accessible to a number of people as a Google doc. All delegates must now have a gmail account to fill out the charts. LeFevre walked the delegates through the process of registering and entering Wage Chart information, displayed archives that contain 12 years of wage chart information, and explained how the information can be turned into spreadsheets for comparison charts during negotiations.

LeFevre said the presentation that would be posted on YouTube would be included in a link when delegates are notified to begin completing the new Wage Charts this fall. He expects information requests will be sent to delegates after Labor Day.

David Herring joined the presentation via phone before a rehearsal in Minnesota (the orchestra is preparing for a tour), and began by explaining that he devised the Wage Chart spreadsheet to refute the Flanagan Report's claim that musicians' salaries had increased faster than the consumer price index. Herring presented his comparisons of ICSOM salary increase averages that proved ICSOM salaries had not exceeded CPI but were instead nearly equal. He also discussed an illustration of salary comparisons of the Minnesota Orchestra, Cleveland Orchestra, New York Philharmonic and others. Herring thanked Paul Gunther for his persistence contacting SSD on his regard. He also thanked Chris Durham, Joel LeFevre, Brian Rood and others, and departed to join his colleagues on stage for rehearsal.

[for links to Joel LeFevre on the data collection process: <http://tinyurl.com/ICSOMwagechartpresentation1> and David Herring on data analysis and using the results : <http://tinyurl.com/usingwagecharts>]

The presentation was followed by questions from Mary Plaine (Baltimore), Peter de Boor (Kennedy Center), Matt Good (Dallas), Richard Levine (San Diego), Leslie Shank (St. Paul), David Angus (Rochester), John Kitzman (Dallas), Bill Foster (National), Beth Lunsford (North Carolina) and Penny Brill (Pittsburgh). Topics included access and who the information should be shared with (and whether access would change as orchestra and negotiating committees change), the redesigned notes section of the chart, and issues obtaining information from management (a request was made to return to the previous list of questions that should be handed to management to fill out). LeFevre was asked if archived information should be changed if concessions or health care information necessitated updating; the information should be submitted to him to make the changes and reference the changes in the notes section. There was discussion about whether Wage Charts should be shared with management and Bruce Ridge reminded delegates that managers are supposed to be sharing the League's Orchestra Statistical Reports (OSR). There was also discussion about distributing Wage Charts electronically instead of in printed form; Durham said that discussion should be between delegates and the Governing Board.

Durham made a request that orchestras send SSD copies of Ron Bauers' individual orchestra analyses, especially in electronic form, and also requested hard copies of signed CBAs for the SSD CD-ROM and a planned for database that will be accessible in the future for delegates and negotiating committees. He closed with a brief explanation regarding SSD's investigation into online voting possibilities.

Symphonic Electronic Media Report and ICSOM Electronic Media Committee Report – Debbie Newmark, Director of Symphonic Electronic Media and Bill Foster, ICSOM Electronic Media Committee Chair [IMA PowerPoint presentation by Debbie Newmark may found on the ICSOM website.]

Debbie Newmark described the various media agreements available for orchestra use, including the Integrated Media Agreement (IMA). After a brief history of the IMA, she described the walkout of the management team in 2009, which was led by Gary Hanson, Executive Director of The Cleveland Orchestra, who believed managers have the right to bargain electronic media locally. She commended The Cleveland Orchestra musicians for repeatedly insisting during negotiations that electronic media is a national issue and should be bargained with the federation, not the local. The AFM filed an unfair labor practice (ULP) charge against TCO; a hearing is scheduled in mid-September.

She explained that other managers may try to assert this position during negotiations, so orchestras are urged to remind management that they must speak to the federation. Newmark reminded delegates that any AFM agreement that does not have a successor agreement is still in effect according to labor law. Only those 14 orchestras currently signatory to the IMA are working under the successor agreement to the Audio-Visual, Live Recording and Internet agreements. The AFM anticipates more orchestras will become signatory to the IMA this fall during negotiation and ratification season.

Newmark briefly highlighted features in the IMA agreement and touched on various ways the agreement can be helpful to orchestras; she also explained the ratification process.

Bill Foster reported that since the IMA negotiations concluded last year, there had been a few phone calls amongst the committee members, but little else. He commended Debbie Newmark for doing the lion's share of the work this year introducing the IMA agreement to many different orchestras. He then reported briefly on meetings he attended during Cleveland negotiations along with discussions with TCO management attorney.

Q&A included questions from Matt Good (Dallas), Richard Levine (San Diego), Thalia Moore (San Francisco Ballet & SF Opera), Jim Orleans (Boston) and David Angus (Rochester).

American Federation of Musicians Employers' Pension Fund (AFM-EPF) – Executive Director Maureen Kilkelly, Director of Finance Will Luebking, and AFM-EPF attorney Anne Mayerson of Bredhoff & Kaiser

Maureen Kilkelly briefly explained the history and structure of the AFM-EPF. She explained that the audit of the Fund's financial statements for the fiscal year ended March 31, 2010 is close to completion and that the actuarial valuation is expected to be available in November 2010.

Will Luebking explained that the Fund has an annual investment return assumption of 7.5% which is used in the AFM-EPF's projections, estimates and calculations when reporting and measuring the Fund's funding status under the Pension Protection Act of 2006 (PPA). Any year in which investment returns are above 7.5% helps the Fund's financial status; any year below is a detriment. He went on to say that the market was down significantly over the 2007 to 2009 period. Even though it rebounded significantly (to date) in 2010, the accumulated losses of the previous few years, plus the missed annual return assumptions, keep the Fund in the red zone. He also explained that stock market

results hit the Fund hard because it is considered to be a “mature” fund which means it relies more on investment income than on current contributions to fund pension benefits.

Anne Mayerson explained the rules established by the PPA and what tests qualify a fund’s zone status – green, yellow and red – as well as explaining what required actions are attached to each zone. Mayerson also spoke about the recently enacted pension funding relief legislation, which allows some “smoothing” to cover investment losses by spreading losses for the plan year ending March 31, 2009 over a 30 year period instead of 15 as is otherwise required by the PPA. Although pension relief is unlikely to have a significant impact on the AFM-EPF given the projected length of the rehabilitation period, the effect could depend on the Fund’s actual investment returns and other Fund assumptions. No decisions have been made about whether to take pension relief since the legislation was enacted after the most recent Trustees’ meeting; there are also a number of unanswered questions about the legislation that will require further government guidance and input by the AFM-EPF actuaries. She also explained that funds in the red zone are not permitted to improve benefits for the entire time they are in that critical status according to federal law.

Kilkelly mentioned a few other items regarding changes under the recovery plan that have affected participants, beneficiaries and employers.

Q&A: Questions were posed by Matt Comerford (Chicago Lyric), Gail Kruvand (New York City Opera), Ethan Silverman (New York City Ballet), Jay Blumenthal (Local 802), Peter de Boor (Kennedy Center), Meredith Snow (Los Angeles), Martin Andersen (New Jersey), Richard Levine (San Diego), and Jim Orleans (Boston). Questions included these:

- ♪ request for clarification regarding a report claiming entertainment industry funds were in better shape than the AFM-EPF;
- ♪ clarification regarding benefit restrictions like early retirement when a fund seeks relief;
- ♪ whether there were more fund managers in 2009;
- ♪ inquiry about the increased administrative fees in a year when the Fund lost money;
- ♪ what were the funding levels in 2007 – 2010;
- ♪ explanation of how the Fund settled on a \$2,000 fee to receive an estimate of an individual employer’s withdrawal liability;
- ♪ how is withdrawal liability calculated;
- ♪ what to tell orchestra managers who were considering proposing a withdrawal from the Fund;
- ♪ were trustees aware that the higher multiplier and no withdrawal liability were selling points to join the Fund but now the prohibition to bargain rates lower have made it difficult.

Kilkelly, Luebking and Mayerson replied:

- ♪ the AFM-EPF is one single fund as opposed to most entertainment funds that maintain a pension fund along with one or more related funds, which gives the trustees of those funds the ability to re-direct contributions from, for example, a health fund to a pension fund, and to allocate expenses across all funds. Funds also have different reporting years (some run during the calendar year; the AFM-EPF reporting year is April 1 – March 31);
- ♪ the trustees agreed to keep the early retirement option but have removed the financial subsidy for pre-2004 contributions that existed;
- ♪ the current number of fund managers ensures diversification and is not deemed excessive;
- ♪ investment fees and administrative fees are separate categories on the financial statements. Generally, investment fees paid by the Fund are a percentage of the market value of assets held for investments. When market values decline, investment fees for that same period will generally also decline. However, administrative fees may increase over the same period for reasons unrelated to investments;
- ♪ funding levels based on market value of assets were 108.5% in 2007, 96.6% in 2008, 62% in 2009 and 76.1% in 2010;
- ♪ the fee to provide employers with an estimate of withdrawal liability is based on an estimate of the actual costs incurred by the Fund to complete the estimate. Since the Fund has never had withdrawal liability previously it was understood that the estimate would need to be reviewed once the Fund had some experience with the actual calculations and the volume of requests received from employers. (The recent FASB reporting recommendation to supply each individual employer with their withdrawal liability was briefly mentioned);

- ♪ generally, to estimate an employer's withdrawal liability, the employer's share of the total unfunded vested benefits for all participants is calculated by multiplying the percentage of contributions for the last five years made by all employers times the total unfunded vested benefit number for a year, as determined by the Fund's actuaries;
- ♪ an employer can withdraw only through negotiations with the Union. Annual withdrawal liability payments to the Fund, similar to the annual contributions that the employer was paying at the time of withdrawal, are generally required to be paid to the Fund for 20 years following the withdrawal. Additionally, a withdrawing employer must consider that there will be an additional cost to replace the value of the lost pension benefit compensation to musicians.
- ♪ although benefits cannot be increased while the Fund is in the red zone, the Trustees know it is important to increase the multiplier as soon as possible.

Kilkelly advised delegates that if they had any problems getting information, or had specific questions, to contact her directly. Luebking also encouraged contact. Kilkelly informed delegates that the annual statements would be in the mail a full month earlier than in past years, and statements are now available for viewing by those who are registered on the Fund's website. She expressed disappointment that only 10% of participants are currently registered users.

Chairman Ridge introduced the leaders of the Player Conferences Council – Theater Musicians Association (TMA), Recording Musicians Association (RMA), Organization of Canadian Symphonic Musicians (OCSM) and Regional Orchestra Players Association (ROPA) – and expressing how important ICSOM's relationship is and how collegial the relationship is.

TMA President Vicky Smolik spoke about the TMA conference that was held earlier in the week and expressed the sentiment that theater musicians were looking forward to working with the AFM negotiating the Pamphlet B touring agreement which will, hopefully, finally include a ban on the virtual orchestra. She reported that, while tracks are still being used in shows, the hiring of musicians seems to be on the increase. She reported that there are two new TMA Chapters, listed the newly elected TMA officers, and called for support for Ray Hair and his goal to reunite the AFM.

RMA President Phil Ayling remarked that the ICSOM conference was very well organized and then enumerated a number of similarities and differences between ICSOM and the RMA. He spoke about the AFM convention's annual report, AFM President Ray Hair's presentation of the history of the AFM and the cyclic nature they both represent. Ayling was pleased at the openness of the IEB, their willingness to speak with so many people as articulated here when they coordinated their first board meeting to coincide with the ICSOM conference. He remarked that the player conferences greatly influenced actions at the last AFM Convention but went on to say there must be continued vigilance to see those policies put into place, as ICSOM was able to do back in 1990 when the Roehl Report was adopted. Ayling expressed thanks that some of the policies that were ignored or suspended by the previous AFM administration have now been reinstated and he voiced his thanks to President Hair for reactivating the EMSD oversight committee.

OCSM President Francine Schutzman extended greetings from her colleagues in OCSM and reported that Canadian orchestras have not faced as drastic cuts as American orchestras since they still receive a great deal of government funding. She explained that a harmonized sales tax has been implemented in some provinces that has raised taxes by 8%, so employers have had to increase wages by 13% (since much of it goes back to the government.) Schutzman said the best part of the OCSM conference is the ability to share many of the wonderful ideas and projects its member orchestras have accomplished during the previous season. She reported that the change in format with the loss of classical music by the CBC does not seem to have affected the number of remote recordings done in the past year. She ended her remarks by congratulating ICSOM for their work during the convention and acknowledged the great work of the entire ICSOM Governing Board, with special recognition for Brian Rood and Bruce Ridge.

ROPA Vice-President Paul Austin spoke about the outcome of the Shreveport Symphony's two year struggle that ended with a settlement that included a 45% pay cut, and Charleston Symphony musicians' refusal to accept cuts that would reduce salaries by 86% while, at the same time, the community is busy trying to raise more than \$140M to upgrade and restore the performance venue. Austin reported that the average salary of a ROPA musician is just above \$13,000, but many of their executive directors are making six figure salaries. Plus, those same managers believe it's fair to demand equal percentage pay cuts from these same underpaid musicians.

ROPA's membership has grown to 83 member orchestras and the relationship between ICSOM and ROPA is very strong. ICSOM sent a letter of support to Grand Rapids and a member of its leadership to New Mexico when these orchestras faced very difficult negotiations. ROPA and ICSOM have worked closely during Integrated Media Agreement negotiations and the redesigned wage charts and Austin attended the University of Michigan Orchestra

Summit along with Brian Rood and Laura Ross back in January. He also mentioned the newly installed and funded (by the DeVos Foundation) Michael Kaiser training program set to begin in Grand Rapids and Detroit this fall.

Austin explained that service conversion has become the new industry buzz word and includes working in the office as part of a musician's duties. While the idea came from a real solution the musicians in the Memphis Symphony agreed to for additional pay, in which working in the office is but a tiny part (and now defunct) of a larger package of community engagement services, others, which does not include anyone from ICSOM or ROPA, have dubbed this program the "Memphis model" and it is now being presented as a take it or leave it proposal.

Austin also spoke briefly about the Richardson Symphony's recent announcement that they would not renew their union agreement and are now actively auditioning for positions in their non-union orchestra.

AFM Strike Fund Report – Dave Angus & Brian Rood, Trustees

Dave Angus reported that there were a few problems collecting all the contributions this year. He spoke about how trustees try to find solutions to assist orchestras that are failing and were pleased they were able to find a way, with a great deal of information sharing, to provide Honolulu musicians with the full 15 weeks of payments. Brian Rood reported that three orchestras received strike fund payments this year and dues for the Honolulu Symphony were waived in 2010. The strike fund is invested in fixed assets so, while little interest is accruing, it has not lost money. Rood thanked Debbie Newmark for her work as fund administrator and acknowledged the ROPA, OCSM and AFM trustees for their work.

Conductor Evaluation Report – Michael Moore, Administrator

Michael Moore reported that the evaluation report mailing address has changed and his written report is included in the Delegate Handbook packet. Ten orchestras used the evaluation forms in 2009-10, and the number of musicians filling out forms has dropped to approximately 29 on average. Moore encouraged delegates and larger numbers of musicians to fill out the evaluation forms especially since results are viewed, and in some cases mandated, by orchestras and low returns may not accurately reflect the evaluation results.

Jim Orleans (Boston) asked about arts administrators access to this information.

Orchestra-L, Delegate-L, Website & ICSOM Directory – Paul Gunther, Orchestra-L Moderator & Directory Co-Supervisor

Paul Gunther encouraged accessing the website, and spoke about the protocols on Orchestra-L and Delegate-L. He also outlined the procedures and timetable anticipated for the upcoming ICSOM Directory. Gunther took note of delegate comments about the various ICSOM publications.

Bruce Ridge expressed the importance of Orchestra-L, including notifying participants of online news polls soliciting community support and feedback about orchestras and the arts.

Abe Torchinsky Emeritus Member Program - Mary Plaine, Administrator

Mary Plaine explained how the program works and the general requirements for participation.

Laura Ross recommended delegates reach out once a year to their orchestra's emeritus members since delegates are responsible for updating emeritus information in addition to their orchestra's roster.

Digital Performance Royalties for Orchestras - Shari Hoffman, Fund Manager for the Film Musicians Secondary Markets Fund (FMSMF)

Shari Hoffman explained that digital performance and copyright acts were amended to allow performance royalties payments to featured and non-featured artists. Orchestras are classified as featured artists and are entitled to 45% of royalty payments which are collected and distributed by the AFM & AFTRA Fund. She explained that during the first few years of distribution, many orchestra rosters were massive because they covered decades of performances; now that foreign royalty payments are included this has increased the pool of funds to be distributed.

Hoffman and FMSMF Administrator Dennis Dreith answered questions regarding how tracking and payments are made, how opera orchestra payments are shared with all other featured artists, the inclusion of Canadian musicians, and the statutes that require that individual musicians rather than the orchestras be paid that were asked by Mary Plaine (Baltimore), Thalia Moore (SF Ballet & SF Opera), Francine Schutzman (OCSM) and Paul Frankenfeld (Cincinnati).

Bruce Ridge acknowledged and thanked Lovie Smith-Wright and Bob McGrew for their hospitality providing the wonderful mixer and baseball game tickets last evening.

Houston Musicians Federal Credit Union (HMFCU) Instrument Loan Program - Bob McGrew, HMFCU Manager & Local 65-699 Secretary-Treasurer

Bob McGrew related the history that led the Houston Musicians Federal Credit Union to begin the instrument loan program. Over time loans that were granted locally were expanded to cover local members in San Antonio and Austin, and then other specific institution including the Houston Symphony, IATSE, Wardrobe Local 896, Houston Ballet and others. As word of the loan program spread, the National Credit Union Association ruled that, unless Local 65-699 approved each new entity participating in the loan program, musicians that were not members of the current groups covered and looking to apply for an instrument loan were required to join Local 65-699. McGrew closed by announcing he would recommend ICSOM become part of the Credit Union Instrument Loan program at their next meeting.

The Union of Our Dreams, AFM and ICSOM Edition – Liza Hirsch Medina

(Delegates and guests were encouraged to read *The Union of Their Dreams* by Miriam Pawel prior to her presentation)

It was only because of farm workers and musicians that Liza Hirsch Medina was here today. She was part of the United Food Workers (UFW) movement for thirteen years and worked closely with Cesar Chavez during that time. Those were formative years for Medina, including for her vision of what it meant to be a labor lawyer. It was at Cesar Chavez's behest that she obtained a law degree and abandoned a full music scholarship in order to commit to the work that the UFW required. The mentoring and experience she gained from Chavez and the UFW helped her immeasurably when she later represented orchestra musicians, ICSOM, ROPA, and AFM Locals 47 and 802.

Miriam Pawel's book, *The Union of Their Dreams*, is the first true account of the UFW under Chavez, including its rise and fall, its victories, and its failures. Medina recommended it because it is being read by labor organizers and activists throughout the county. She offered some of her own history working for the UFW and some lessons, both inspirational and cautionary, to be learned from that great movement. She, along with other UFW colleagues, had until recently operated under a self-imposed silence about the reasons why the UFW's victories faded away. It was Pawel's work that coaxed Medina and others out of the silence. Medina's talk at the ICSOM Conference was the first time she has publicly addressed some of the issues surrounding the UFW.

Medina gave a brief synopsis of Pawel's book and related that the process of working with Pawel forced her to examine what happened after her departure from the UFW in 1978. She realized that what had been a golden chance to build a wonderful democratic union that made a difference in its members' economic and civic lives was abandoned as internal division unraveled that dream. The UFW created as remarkable democratic system of governance from the rank-and-file up that was destroyed by a few leaders when the rank and file began to assert itself in the late 1970s.

She pointed to some areas that made the UFW exceptional and to other areas that led to its undoing. The UFW built real power from the ground up through workers' direct action and self-governance. It built coalitions and alliances with diverse forces, including religious groups, academicians, students, politicians, scientists, international groups, ordinary consumers, and a number of other labor unions. The UFW used unorthodox, innovative, and creative strategies and tactics and its leaders understood the need for publicity and how to get it, and used it to generate public support or to lessen opposition to campaigns. The UFW engaged aggressively in electoral politics, and became a major political player in California and several other states.

However, a lack of formal organizational structure coupled with the central role of a charismatic, intuitive leader bred intolerance for questions and dissent (seen as disloyalty) that eventually led to antidemocratic and even autocratic rule by a small clique. Refusal to delegate and share power with talented staff or the rank and file and the UFW's elected local leaders was coupled with an insistence on using only the old strategies and tactics, plus there was a reluctance to adapt to changing times and environments. In the end, the earlier, brilliantly successful development of rank and file leaders was thoroughly thwarted by the stifling of internal union democracy. UFW leadership became disconnected from its members and their goals when it attempted to dictate its vision of the union's future to its members and activists. The UFW's eventual loss of connection to the average farm worker caused many farm workers to believe the UFW was irrelevant to their struggle for justice on the job. Medina emphasized that these failures were not representative of how Chavez functioned in earlier times, because, as an organizer, leader, and mentor, he was, at one time, absolutely peerless.

Medina asked what lessons could be learned by ICSOM and its members from the UFW. One was the importance of transitioning from a movement to a sustainable union and the need for ever-better strategic decisions and plans. Another was the importance of understanding and navigating critical turning points; for example, at the same time

ICSOM was successful at the recent AFM Convention, a depression economy and a crisis of values in the nation's support for the humanities continue to pose grave threats to arts funding. Orchestra managements, under cover of "the recession," have been eviscerating collective bargaining agreements whether concessions were warranted or not. The positive outcomes at the AFM Convention did not necessarily translate into solutions to many of the Federation's problems, and there is still a great deal to be done.

Medina presented a set of strategic questions for delegates to ponder, beginning with a quote by Frederick Douglass, who said, "Power concedes nothing without a demand." What is it we want? What do we want ICSOM to be, and to do? Is it a union? A debating society? A lobbying organization? A charitable fundraising group? As a conference within the AFM, what can ICSOM make happen for orchestra musicians that isn't happening now? Medina noted that, from the beginning, ICSOM always sought from the AFM relationship expertise (legal, technical, administrative), resources (money, staff, equipment, access), and solidarity (strike support, sympathy strikes, internal or local organizing help). She asked whether ICSOM's needs are being met now, what the AFM expects in return from ICSOM, and whether ICSOM can provide it.

She posed additional questions: How do we communicate more effectively with the public to generate the same kind of mass public sympathy that used to flow toward farm workers when they engaged in boycotts, fasts and epic marches? What are the strategies and tactics uniquely adapted to our industry and environment that will resonate in the same way? How do we become a powerful political player to make our influence felt in the fight for arts funding? What are some legal strategies and tactics that might be tried as new ways for ICSOM to generate power? In a time of economic stress, if the employers convince musicians that the money is not there, how does ICSOM advise changing the focus of bargaining? Medina noted that one of ICSOM's leadership requirements is they must be rank and file members; she hopes that can keep ICSOM connected to its membership. She praised the generosity of ICSOM's member orchestras toward, and in concern for, their struggling colleague orchestras. She followed up by asking how ICSOM will balance the need for short-term action with the even greater need to develop even more long-term goals and strategies.

In closing, Medina shared that when the UFW identified objectives each had to have three elements; they had to be Specific, Attainable, and Measurable and were called SAMs. Medina advised ICSOM to define its own SAMs, and then to pursue them while building the union of ICSOM's dreams.

Steve Causey (Louisville) and Thalia Moore (San Francisco Opera/San Francisco Ballet) spoke about how Medina had previously assisted their orchestras and thanked her for her presentation.

Jay Blumenthal, Local 802 Financial Vice-President and former ICSOM Member at Large, briefly mentioned an ongoing organizing campaign in the Local's jurisdiction. As a former ICSOM officer, he said he was pleased that ICSOM was in good hands.

Town Hall Meeting Notes:

- ICSOM dues readjustment and/or increase – establish a PR fund with monies from a dues increase; readjust the wage brackets or propose percentage of salary.
- Resource Center on ICSOM website – could include Orchestra-L and Delegate-L survey responses that have been collected by St. Louis Delegate Chris Woehr; interest expressed to establish a method of collecting and displaying information; redesign ICSOM website
- VEBA's & 501(c)5 – there was interest in revisiting this topic.

Friday, August 20, 2010

Roll call

Nominations: No additional nominees at this time; nominations remain open.

Negotiating with Not-for-Profit Employers in "the worst recession since the Great Depression" - Barbara Jaccoma

Barbara Jaccoma spoke about the nature of labor relations, the relationships between opposing sides, the need to be prepared with information so management proposals and comments do not cause surprise, and that many negotiations now include union and musician attempts to assert and retain influence over their jobs. She spoke about the financial

and structural model of orchestras, the limits this model imposes on financial proposals and that due to the structure of an orchestra board its members do not have the same fiduciary responsibilities as a for-profit board.

The reasons board members choose to serve are varied; with no personal financial stake, it could be altruism or even elitism. Over time Jaccoma has come to believe many board members think they are doing musicians a favor. Boards hire orchestra managers yet have no real understanding of the orchestra business since their primary reason for serving as a board member should be to raise money, not direct how orchestras do business. Board members who are inexperienced or have a low commitment level believe musicians should be grateful for their service and should do their jobs “for the love of their art.”

She spoke about the importance and value the arts add to communities, how the power of the arts can revitalize neighborhoods and that when not viewed as a luxury, the arts can find good support, which is absolutely necessary for the success of any organization. Jaccoma spoke about raising money, ticket prices, capital projects, creating “a buzz” around new endeavors, and the reality that arts groups must depend upon donations since earned income rarely covers an organization’s yearly budget. Due to this last issue, it is not surprising that in times of trouble boards begin to cut costs and the orchestra, as the largest expense, is always the first target.

Jaccoma is heartened that she has been hearing rumblings that some, even in the for profit world, are beginning to question the legitimacy of cutting labor costs because it is not really effective – there is truth found in the belief that “you can’t cut your way to health”. Ironically, there can also be pitfalls when an organization is extremely successful in their fundraising efforts or if it has an “angel” – for example the Cincinnati Symphony has had difficulty raising more money following a sizeable donation.

She warned that there is a dearth of creative managers, so if an orchestra begins to have financial problems most managers begin to view orchestras as banks, and musicians are encouraged to try to do something. Jaccoma offered a number of suggestions to consider:

- Find a way to change management’s argument to something that supports the musicians’ point of view.
- Know the facts – understand and have the facts about the local economy, compare orchestras and other types of jobs, and be prepared with this knowledge at every negotiation.
- Get to know board members; they may provide information that can counter management arguments.
- If there is no orchestra, there is no reason for development and marketing departments. Musicians are not easily replaced.
- Bargaining no longer ends with the end of negotiations and the old notion that there is a division of labor where management raises money and orchestras play music is gone. Musicians must learn about healthcare, benefits, pension and investments if the orchestra has a 403B.
- Union leadership must foster relationships with the management and board.
- Use public relations.
- Consider a consultation clause requiring that management answer questions and offer the opportunity to receive information in a structured way.
- An orchestra committee should not be afraid to file a grievance because it is afraid to lose; it may be possible to trade withdrawing the grievance for something during negotiations.
- Establish a musician fund (not necessarily a strike fund) that sends a message to management that the orchestra has some leverage.
- Develop relationships with the local central labor council and participate in their events so they will reciprocate.
- Committees can never have too much information. Know management’s plans – are they planning any tours, are they insisting on hall renovation, seeking new work like ballet? Know and understand the finances regarding this information.
- Do not become management’s disciplinary arm.
- Prepare for the next negotiation as soon as the contract is signed.
- Participate in community events as a member of the orchestra (volunteer activities), get involved with politics by getting to know the politicians and get the orchestra involved.
- Be creative with solutions, think outside the box. If concessions become necessary, be creative but careful how they are accomplished, and try, if at all possible, to have a recovery plan on both sides of the table.

- Know when to say no and know the consequences.

Jaccoma urged musicians to be vigilant; managers are tourists and most don't generally hang around for lengthy periods of time, but orchestra musicians are in and a part of the community over the long term.

Mary Plaine (Baltimore) expressed concern about boards that have begun to redefine what determines whether an orchestra is successful, and what it would look like - smaller, less troublesome, possibly non-union orchestra. Board members are burning out from trying to raise money and being told no. Plaine asked if it was advisable to meet with boards and agree to serve. Jaccoma's advice was that listening might be alright but to be careful when responding. She also cautioned that there may be "outliers" or musicians who are not involved in orchestra governance or negotiations but reach out to a board member on their own without telling the orchestra leadership.

Leslie Shank (St. Paul) spoke about running the orchestra as a business – deficits used to be acceptable but they really aren't anymore.

Richard Levine (San Diego) said he was beginning to hear recycled management issues being raised, like there are too many concerts, costs are too high, etc. Now that the economy is affecting bigger orchestras, not just the smaller orchestras, there are warnings that these orchestras will have to be restructured. Levine warned that musicians should know how managers do their jobs. Jaccoma agreed there must be oversight, and that means musicians must participate more, though she is not suggesting they run the orchestra. She believes Michael Kaiser is onto something, and that if managers and boards do not believe orchestras are wonderful things to support, orchestras will be doomed to failure. If musicians stay involved, they can ameliorate some of these problems.

Patricia Sharpe (Syracuse) said sometimes it is difficult to argue orchestra comparisons but comparing orchestra musicians' jobs and salaries to other local similarly educated workers could be more effective.

Symphonic Services Division (SSD) Presentation – part 2

Comparing Leading American Orchestra Salaries, Medical Insurance and Pension Costs – Mel Schwarzwald & Joseph Goldman [*PowerPoint presentation, accessible with secure login, may be found in the 2010 Conference section of the ICSOM website*]

Attorney Mel Schwarzwald, following a discussion with Chris Durham, began to work with SSD benefits analyst Joe Goldman compiling specific orchestra comparison information about benefits and wages for use in negotiations. Once the information was compiled, it was presented to the Houston Symphony and The Metropolitan Opera Orchestra (The Met), orchestras Mr. Schwarzwald was representing in negotiations. This information was presented to the orchestra members and their boards.

Schwarzwald briefly outlined the current Met contract that expires in 2011; when income was rising management was asking for concessions but when the musicians asked to see the books they were refused access. So, rather than negotiate one year early, the orchestra decided to prepare for the next year's bargaining with whatever public information they could find, including 990s. When comparing wages, The Met's media package of \$12,000 for the 2010-11 season, including an enormous number of media rights was excluded. The comparison chart included seniority pay which demonstrated that when seniority pay was included, The Met fell behind, but if the comparison was of base wages alone, Met wages were at a comparable level. Additional comparisons included work hours and workload which proved that the workload at The Met is higher. They also performed a comparison of medical costs.

In Houston, the orchestra had agreed to additional furlough weeks that caused auditioning musicians to turn down positions in the orchestra and accept jobs in other orchestras and current orchestra members to leave the orchestra. Houston Symphony member John Thorne wrote an essay that included comments by these musicians that were later presented to the board. The orchestra had also negotiated a management statement that was printed in all concert programs acknowledging the more than \$2M of give backs and concessions by the musicians due to the additional furlough weeks and other concessions.

When Goldman began assembling information for the comparison charts, he used several sources to assure the information was correct so management could not challenge the information and show wages as "apples to apples" comparisons. He compiled population comparisons, media guarantees, seniority, numbers of musicians under contract, etc. and compared 19 orchestras which also excluded the 8 top orchestras based on economics. The comparisons proved Houston had moved from ranking 6th in 2001-02 to 8th; the chart also proved Houston had been below the average since 2001-02. Goldman also assembled a pension comparison chart of nine orchestras that included a cost out to age 65 by dollar and percentage compared to wages. The charts highlighted budgets versus population rankings and orchestra endowments; especially important in Texas, they highlighted the differences between the Houston and Dallas Symphonies.

Schwarzwald closed by revealing how these results were received by management. At The Met, musicians have been working with the other Met unions who have all negotiated increases. Musicians also submitted recommendations expected to save management at least \$30,000 before the current agreement expires. The Met has rehired the former executive director who is at the bargaining table, so musicians know they have management's attention. In Houston musicians had already agreed to previous cuts and have seen management's financial information; management is now trying to raise a \$15M endowment and have assured musicians they would pay off previous debts, but are still demanding additional furloughs. Negotiations are ongoing but although management says they have been listening, they are still doing business in the normal way, taking it out on the musicians.

Chris Durham said orchestras interested in having access to this type of information for negotiations should contact him. He said that while Goldman enjoys compiling and comparing this information, it is his second job, so he requires some notice.

Barbara Owens spoke about various communication options and asked for copies of signed orchestra collective bargaining agreements.

Nathan Kahn spoke about the importance of subscribing to labor publications that explain how labor unions are being attacked. He expressed concern that orchestras are becoming weaker and more fearful instead of understanding that standing up to a board can garner respect and change the relationship. He spoke about building audience associations, building media packets, and the need to build political committees and connections. He closed by speaking about building legacies and finding ways to communicate the histories of our organizations and orchestras to musicians first, and then the community. He suggested videotaping colleagues both present and past who will share their memories and thoughts about the "old days" because this history needs to be documented and preserved.

Q&A

Matt Good (Dallas) urged caution when communicating with the orchestra, especially via email. He recommended that when emails are sent the sender put their own email address in the TO: field and the place the rest of the orchestra addresses in the BCC: field. This assures that any musician replying will not be replying to the orchestra, but to the sender only. Good also encouraged copying the Local president on these messages.

Marv Topolsky (Met) suggested that there is a unique concern for his orchestra's musicians. There are multiple unions that bargain with The Met but negotiations with these other unions always follow musicians' bargaining, so they are able to negotiate richer settlements. It is frustrating to the musicians who have been unable to get the same types of settlements as these other unions; the other unions wait for the musicians.

Jim Orleans (Boston) asked how to counter management rhetoric about unwillingness to hire a full complement of musicians for their orchestras. Schwarzwald replied that the presentations should embarrass management especially because the works they program still require the full complements of musicians. Chris Durham said musicians must build connections with audience associations and to continue networking after negotiations are over; constant communication is vital.

Durham spoke briefly about seniority increases.

Martin Andersen (New Jersey) said his orchestra prepared a chart similar to this presentation and offered copies to those who were interested.

Thalia Moore (San Francisco Ballet) thanked SSD for this information, saying it was very beneficial and that a database containing this information would be wonderful if it can be kept current. Durham said some of the presentation was tailored to specifics but they are working to provide more information in the near future.

Leslie Shank (St. Paul) said she was impressed at SSD and other orchestras' initiative to respond to management with musician PowerPoint presentations. In her orchestra it is not always an argument about numbers when doing comparisons because they are rather unique; her orchestra tries to argue about quality and artistry but management's response is generally dismissive when they point to the sizable pool of musicians looking for jobs. Schwarzwald pointed out that hiring recent graduates or not, there are very few who can really do what ICSOM's musicians can do and that, because boards do not understand this, orchestras need to continually remind them.

Nathan Kahn said he has received many calls from audition candidates asking about the status of orchestras and he directs them to ICSOM and ROPA delegates in those orchestras.

Following lunch, nominations were closed.

Elected by acclamation:

Chairperson - Bruce Ridge

Treasurer - Michael Moore

Senza Sordino Editor - Richard Levine

Members-at-Large - Meredith Snow and Paul Gunther

Detroit Symphony (DSO) Negotiation Update – Joseph Goldman and David Everson

Joe Goldman spoke about management's proposals which are incredibly regressive. DSO musicians are expecting a work stoppage and have been preparing for more than a year. They are very organized, but do not have the financial pressure points in the upcoming orchestra schedule which begins with a month off. They have been working on their website which is completely designed by their orchestra members; it includes 35 letters from musicians inside and outside the orchestra that have been posted. They are trying to get their message out without the filtering of the newspaper and have media events planned. The orchestra followed Cleveland's example by leafleting the audience from the stage at one of their final concerts. Goldman reported that they have 2300 friends and followers on FaceBook and hope they will forward these messages to other colleagues.

David Everson spoke about the upcoming Labor Day Parade which has, for the past three years, been led by the members of the DSO in concert attire and members and families of Local 5. He explained that the orchestra is planning a virtual parade and participants are also writing letters that will be delivered to Orchestra Hall during the parade by Local 5 president Gordon Stump. Following the actual parade Ray Hair, Bruce Ridge, and Brian Rood will join others speaking on behalf of Detroit Symphony musicians. Musicians will also play in front of Orchestra Hall and while marching in the parade.

AFM International Executive Board (IEB) – President Ray Hair, Vice President Bruce Fife, Vice President of Canada Bill Skolnik, Secretary-Treasurer Sam Folio, and Executive Committee Members - Vince Trombetta, Tino Gagliardi, Dave Pomeroy, Joe Parente, and Tina Morrison.

President Hair asked each IEB member to speak briefly about his or her history and career. At the conclusion of her remarks, Tina Morrison added her observation that the union needs to grow and one place to accomplish this is when members teach students; she encouraged delegates to serve as mentors, to teach them about the union and encourage them to join. Ray Hair spoke about how different his role is now as AFM President and spoke highly about how much he enjoys working with the new IEB members. The floor was then open for questions and comments from delegates.

Mary Plaine (Baltimore) asked members to share their priorities. Hair responded that the board is trying to unify the AFM, fix the finances, and reinforce their national agreement bargaining positions - they know they must move quickly. Dave Pomeroy said they are trying to reach out to Local officers and are ready to listen and respond.

John Koen (Philadelphia) asked what ICSOM can do to help achieve unity. Hair said this dialog was the first step and asking this question was another – we all want the union to be strong. Tino Gagliardi said there is nothing the conferences should do to promote unity, it needs to come from the top – he believes we now have that unity of purpose.

Ethan Silverman (NYC Ballet) asked whether there would be staff cuts to save money. Hair said some have already been let go and are looking to curb expenses and work more efficiently. Sam Folio said they know symphonic work is a large part of their income stream so they are looking at reorganizing the offices; the first action included the appointment of Lew Mancini as chief operating officer, which Ray Hair did prior to taking office. Vince Trombetta mentioned that at the Convention, he had suggested the West Coast Office move into Local 47's offices once the lease expired; they have already been investigating the viability of this option.

Francine Schutzman (OCSM) said she hoped the IEB would notify the player conferences when there would be agenda items conference leaders need to speak on. Hair said this is already occurring and encouraged the player conference representatives to come speak to them whenever necessary.

Chris Woehr (St. Louis) asked about the status of traveling foreign orchestras being hired by American bookers. Hair said he was just made aware of this practice regarding a Polish orchestra that had been booked by Columbia Artists (CAMI.) Promoters are making money for themselves and replacing US musicians. He reported that he called CAMI and has spoken to the responsible agent. Hair plans to try and work with the other arts and entertainment industries to see if they can't forestall some of these activities. Bill Skolnik said the US is lucky they can even write letters of

objections, in Canada they can do nothing; these acts start their tours in Canada and then move south. Folio said the rate for a letter of recommendation, when artists ask, is \$250 and they receive close to \$800,000 in income from these letter requests.

Leslie Shank (St. Paul) spoke about the attitude of new younger orchestra members who look down on any type of union activity by their colleagues. She believes the AFM should direct resources toward changing this attitude. Hair said he understands the concern and pointed to the teachers who are trying to get their students jobs. While he agrees the AFM needs to work on teachers, there are unfortunately no resources right now for this activity. Everyone in this room, said Hair, needs to be an organizer. If members are working with non-members, non-members should be encouraged to join. The orchestras in his Local's jurisdiction in Texas, a right to work state, let the musicians know they don't want to hire non-members. Skolnik pointed out that so many of the benefits younger musicians take for granted like holidays and holiday pay, parental leave, etc. are all due to union negotiation, and they need to be reminded they entitled to these benefits because others worked very hard to get them in the first place. Trombetta spoke on this topic as well, and Morrison said many musicians enter orchestras believing management gave them the job – the AFM and ICSOM need to change that perception.

Paul Frankenfeld (Cincinnati) asked how, with limited resources, the AFM can address recruitment and legislative action. Pomeroy said word of mouth costs nothing with both recruitment and in politics. Bruce Fife said the AFM would double its membership if every member convinced one person to join; he also spoke about the importance of educating members.

Thalia Moore (San Francisco Ballet) said she hoped this desire to heal the rift and work on unity would also include freelance members. Hair it was important to identify common interests and bring all fields together to strengthen the lines of communication and support.

Bruce Ridge thanked the IEB for taking time from their meetings to begin a dialog with the delegates and for sharing their thoughts. ICSOM looks forward to working with the new AFM administration.

Town Hall Meeting Notes:

The manual will be electronic going forward with updated sections posted on the ICSOM website, along with some information that will need to remain in printed form. The ICSOM secretary will post notices on Delegate-L when sections of the manual have been updated. There was also discussion about producing a yearly CD-ROM of the manual as well.

Regarding the idea of issuing *Senza Sordino* in electronic-only form, it was agreed that the time has not yet come but the delegates should revisit the subject each year.

Michael Moore suggested that, beginning next summer, delegates help subsidize the MAL/Delegate luncheon expense by contributing a pre-determined portion of their per diem. The board made note of problems regarding the room set up and will attempt to find a new set up or use more rooms for the luncheon.

Saturday, August 21, 2010

Roll call

Lovie Smith-Wright, Chair of the AFM Diversity Committee, spoke about the activities of the committee this past year. She reported that committee member Charles McDaniel, Secretary-Treasurer of the Toledo OH Local died suddenly in July and the committee is reduced now to 8 members. She spoke about the awards given at the AFM Convention this past summer, including an accolade presented to Charles McDaniel's daughter. Smith-Wright encouraged the delegates to urge their locals to nominate local members who do good work.

She explained the Diversity Committee resolution adopted at the Convention that addressed the Labor Department's concerns about African American delegates in merged locals; the new bylaw changes the title to Diversity delegate and new election rules apply. The committee also dealt with the recently adopted change that requires AFL-CIO convention delegates to include at least one diversity delegate.

Smith-Wright, who is a former member of the Wichita Symphony, said she was excited to hear the local report from the ICSOM delegate each year and that this induced her when she became President, to begin, along with Bob McGrew, attending the ICSOM conference. She wished ICSOM well and hoped everyone had a great time.

Chairman Ridge thanked Smith-Wright for her and Local 65-699's hospitality; it was an incredible week.

Mike Okun clarified a change to the indemnification language in the bylaws as deliberations began.

Parliamentarian Paul Castillo explained the process they would follow to discuss and adopt changes to the ICSOM bylaws. He complimented the delegates and governing board for holding exemplary meetings, and commented that the interest, skill level and understanding of what was discussed at meetings was very professional; the delegates should be proud of themselves and ICSOM sets an example for the rest of the Federation.

Secretary Ross read each Article and Section that included a change, beginning with Article III, Section 2.(c). Chairman Ridge asked for discussion after each section was read (except "Article V, Section 1 – Chairperson" which President Rood oversaw.) Discussion, amendments and action taken follow each specific Section in *Italics*.

BYLAWS OF THE INTERNATIONAL CONFERENCE OF SYMPHONY AND OPERA MUSICIANS, INC.

ARTICLE I - NAME

The name of this organization shall be the International Conference of Symphony and Opera Musicians, Inc. ("**ICSOM**").

ARTICLE II - PURPOSE

The purpose of ICSOM shall be as set forth in the Certificate of Incorporation of ICSOM.

ARTICLE III – MEMBERSHIP

Section 1. The following orchestras shall be known as charter members: Baltimore, Boston, Buffalo, Chicago, Cincinnati, Cleveland, Detroit, Indianapolis, Los Angeles, Metropolitan Opera, Minnesota, New York, Philadelphia, Pittsburgh, Rochester, San Francisco, St. Louis, and National (Washington DC).

Section 2.(a) In order to be eligible for membership, a non-member orchestra must be composed of at least 60 full-time members, a majority of whom are members of the American Federation of Musicians of the United States and Canada ("**AFM**"), and each of whose guaranteed minimum annual wage from playing in that orchestra is at least \$25,000.

Section 2.(b) Application for membership from an eligible orchestra shall be submitted to the Membership Committee in writing and only after said orchestra has ratified these bylaws and a majority of its members have consented to the application for membership.

Section 2.(c) If the Membership Committee approves the application, it shall notify the applying orchestra, which shall be required to send a delegate to the ~~annual ICSOM conference~~ (~~the "**Annual Conference**"~~) next Annual Conference, where the application shall be presented to delegates for approval.

Section 2.(d) In the event an orchestra fails to meet the criteria enumerated ~~in Section 2.(a) herein~~, it may nevertheless make application to the Membership Committee. If it demonstrates to the satisfaction of the Membership Committee why it should be admitted, the Membership Committee may approve such an application and recommend admittance to ICSOM.

Section 2.(e). If a member orchestra should encounter circumstances that cause the orchestra undue hardship in paying its annual dues, ~~fall below the requirements set forth in Section 2.(a) above~~, that orchestra may apply to the Governing Board for a grant of suspended status. An orchestra granted such status need not pay dues to ICSOM, but shall continue to be carried as a member orchestra, receive *Senza Sordino* (~~as defined below~~), be entitled to send a non-voting representative to the Annual Conference, and be listed in the ICSOM Directory. For good and sufficient cause, the Governing Board may withdraw such status at the next Annual Conference, subject to appeal.

Section 2.(f). The delegate(s) of any member orchestra whose dues are not current at the time of any meeting, including any Annual Conference, unless having requested and been granted an extension or waiver by the Governing Board, and subsequently been approved by a majority of the voting delegates, shall be seated and allowed to speak but shall not be allowed to vote or to make any motions. Should any member orchestra's dues be three years or more in arrears one day before the start of any Annual Conference, that orchestra shall be considered to have withdrawn from ICSOM, and no delegate from

said orchestra shall be seated. Should that orchestra desire to rejoin ICSOM, it must apply as would a new applicant for membership.

MSF [motion #3 – Peter de Boor (Kennedy Center)/John Koen (Philadelphia)] to insert following language to line 7 following “withdrawn from ICSOM,” unless the orchestra has applied for and been granted suspended status. “and no delegate from said orchestra shall be seated. . . .” Following discussion by Peter de Boor, Jim Orleans (Boston), Matt Comerford (Chicago Lyric), John Koen, Richard Levine (San Diego), Matt Good (Dallas), and Brian Rood (Kansas City), motion was defeated.

MSC [motion #4 – David Angus (Rochester)/John Koen] to clarify the intent of “any meeting” and to recognize when an orchestra is in arrears. The first sentence amendments included insertion of the words “or any subsequent meeting” [motion #5 – Michael Moore (Atlanta)/Bill Foster (National)] to amend language to read “or any subsequent special meeting”, and to delete the words “any meeting, including any” along with the insertion of “the” before “Annual Conference”. The delegate(s) of any member orchestra whose dues are not current at the time of any meeting, including any the Annual Conference, or any subsequent special meeting, unless having requested and been granted an extension or waiver by the Governing Board, and subsequently been approved by a majority of the voting delegates, shall be seated and allowed to speak but shall not be allowed to vote or to make any motions. Following discussion by Brian Rood, Richard Levine, David Angus, Michael Moore, Peter de Boor, Bill Foster, and clarification from interim ICSOM counsel Mike Okun and parliamentarian Paul Castillo, who stated the intent was to designate the Annual Conference when determining whether dues are current and to suggest the bylaws be made clear in the future by clarifying the definition of “arrears”, the motion to amend was adopted.

Section 2.(f). (g). Foreign orchestras or conferences of foreign orchestras may apply for and be granted Associate status with the consent and approval of delegates to the Annual Conference. Terms and conditions for such status shall be established by the Governing Board. The Associate status of any foreign orchestra or conference of foreign orchestras may be withdrawn by the delegates to any Annual Conference.

Section 3. The collective membership of a symphony, opera, or ballet orchestra maintaining membership in ICSOM shall constitute a member orchestra.

Section 4. Each member orchestra shall retain its membership as long as it abides by these bylaws and the official policy of the organization.

One final clarification of Sections 2(e) and (f) were noted – an orchestra in suspended status is not considered to be in arrears.

ARTICLE IV – OFFICERS

Section 1. The officers of ICSOM shall consist of Chairperson, President, Secretary, Treasurer, Editor of Senza Sordino, and four Members at Large.

Section 2. The officers of ICSOM shall constitute the Governing Board, which shall meet during the Annual Conference and otherwise as necessary.

Section 3. All officers ~~and Members at Large of the Governing Board~~ ICSOM shall be elected for two-year terms at ~~regular meetings of ICSOM Annual Conferences, except as provided in Section 5.~~ Officers shall be elected in even-numbered years, Members at Large in odd-numbered years. In 2004, and in subsequent even-numbered years elections shall be held at the Annual Conference for two-year term for Chair, Treasurer, and Editor of Senza Sordino, and (for one year only) one-year terms for President and Secretary. In 2005 and in subsequent odd-numbered years elections shall be held at the Annual Conference for two-year terms for President, Secretary, and two Members at Large, and (for one year only) one-year terms for two other Members at Large. In 2006, in addition to even-numbered years elections shall be held for Chairperson, Treasurer, and Editor of Senza Sordino, elections shall be held at the Annual Conference for two-year terms for and the other two Members at Large. Election shall be by a majority of the votes cast for any office, with all voting delegates eligible to vote. Elections shall be conducted by secret ballot with the exception of any position for which only one candidate is nominated, in which case the candidate so nominated shall be declared elected by acclamation.

Section 4. Any member in an orchestra belonging to ICSOM may be elected to office ~~(including Governing Board)~~, but may serve only so long as he/she remains a member of the AFM, is a member of a constituent orchestra, and does not assume any managerial or supervisory functions, including serving in the position of Personnel Manager or Contractor for an employer or working in any position where he/she receives any remuneration from contracting or booking musical units (other than a regularly

organized one of which he/she is a leader or member). No more than one member of any one member orchestra may serve on the Governing Board at the same time.

Section 5. In the event of a vacancy in the office of Chairperson or President, the remaining Chairperson or President shall assume the duties of both offices until an election is held at the next ~~regular meeting of the organization~~ Annual Conference. In the event of a vacancy of such a remaining Chairperson or President, or in the event of a vacancy in the office of Secretary, Treasurer, Editor of *Senza Sordino*, or ~~Governing Board~~ Member at Large, a replacement shall may be selected by the Governing Board to serve until an election is held at the next ~~regular meeting of the organization~~ Annual Conference. Persons elected to fill these vacancies shall serve out the unexpired terms of office, if any, of officers originally elected.

Section 6. An officer may be removed for misconduct by a two-thirds vote of eligible voting delegates at any Annual Conference. Any officer may be suspended until the next Annual Conference by unanimous vote of the other members of the Governing Board.

MSC [motion #6 – Robert Levine (Milwaukee)/Warren Powell (Florida)] to insert “for misconduct” in final sentence to clarify reason for suspension: Any officer may be suspended for misconduct until the next Annual Conference by unanimous vote of the other members of the Governing Board. Following discussion by Michael Moore and clarification by Mike Okun, the amendment was adopted.

~~Section 6. In the event of the inability of the Chairperson or President to attend the AFM convention as a delegate, the Governing Board shall select an alternate delegate officer to attend said convention.~~

~~Section 7. No officer or Member at Large of the Governing Board shall (1) serve in the position of a Personnel Manager or Contractor for an employer; or (2) work in any position where he/she receives any remuneration from contracting or booking musical units (other than a regularly organized one of which he/she is a leader or member).~~

ARTICLE V – DUTIES OF OFFICERS, GOVERNING BOARD and COMMITTEES

Section 1. – Chairperson

Section 1.(a) The Chairperson shall be the chief executive officer of the organization and shall preside at all meetings of ICSOM and of the Governing Board. He/she shall appoint all committees not otherwise provided for, subject to the approval of the Governing Board, and shall be an *ex-officio* member of all committees.

Section 1.(b) The Chairperson shall call meetings of the Governing Board when necessary. If other members of the Governing Board are not able to meet for a special matter, he/she shall be empowered to appoint a member of any member orchestra to help him/her on the specific matter, such appointment to terminate at the completion of the mission.

Section 1.(c) The Chairperson shall report his/her official activities at each duly convened meeting of ICSOM.

Section 1.(d) The Chairperson shall be entitled to vote as a voting delegate if so chosen by his/her orchestra.

Section 1.(e) The Chairperson ~~and the Governing Board are~~ is given full power to draw on the ICSOM treasury when deemed necessary to further the interests of ICSOM, and shall be authorized to incur expenses, and to receive payment or reimbursement of actual and reasonable expenses incurred, in the performance of his/her duties, subject to any limitations or policies adopted by the Governing Board.

Section 1.(f) The Chairperson shall be responsible for liaison with agencies and organizations outside ICSOM.

Section 1.(g) The Chairperson shall, by virtue of the office, be a delegate to the AFM convention.

Section 1.(h) At the expiration of his/her term of office, the Chairperson shall deliver to his/her successor when qualified to receive them all official books, papers, and other documents pertaining to his/her office under his/her control, clear of all encumbrance.

Housekeeping item: Penny Brill (Pittsburgh) noted during discussion of Section 5 – Editor, that “term”, “office” and “term of office” were inconsistent in Sections 1-5. Secretary Ross, with approval of delegates, agreed to change all Sections to read “term of office”. Changes have been made to minutes to reflect this agreement.

Section 2. – President

Section 2.(a) The President shall be responsible for the supervision of the operation of the organization, subject to the directions of the Chairperson, and for such other duties as directed by the Governing Board. As chief operations officer, he/she shall be responsible for the ICSOM-related activities of all member orchestras. He/she shall be responsible for supervising the ICSOM conductor evaluation program. He/she shall be an *ex-officio* member of all committees.

Section 2.(b) The President shall be advised by a President’s Council composed of members of individual member orchestras selected by the Governing Board should he/she so request.

Section 2.(c) The President shall report his/her official activities at each duly convened meeting of ICSOM.

Section 2.(d) The President shall be authorized to incur expenses, and to receive payment or reimbursement of actual and reasonable expenses incurred, pursuant to his/her duties, subject to any limitations or policies set by the Governing Board.

Section 2.(~~e~~) The President shall, by virtue of the office, be a delegate to the AFM convention.

Section 2.(f) At the expiration of his/her term of office, the President shall deliver to his/her successor when qualified to receive them all official books, papers, and other documents pertaining to his/her office under his/her control, clear of all encumbrance.

Section 3. – Secretary

Section 3.(a) The Secretary shall keep a faithful record of the proceedings of all meetings, answer all communications pertaining to the affairs of ICSOM, cause the minutes of each annual meeting to be distributed to member orchestras within a reasonable length of time, notify all member orchestras of all meetings, and distribute any and all documents necessary to the proper functioning of the organization.

Section 3.(b) The Secretary shall procure and preserve the necessary books, papers, and other documents pertaining to his/her office and transmit them to his/her successor when properly qualified to receive the same, clear of all encumbrance.

Section 3.(c) The Secretary shall be authorized to incur ~~clerical expenses pursuant to his/her duties~~ expenses, and to receive payment or reimbursement of actual and reasonable expenses incurred, in the performance of his/her duties, subject to any limitations or policies set by the Governing Board. ~~And shall give an accounting of these expenses at the annual Meeting of ICSOM.~~

Section 3.(d) The Secretary shall, by virtue of office, be an alternate delegate to the AFM convention.

Section 4. – Treasurer

Section 4.(a) The Treasurer shall collect all dues and contributions and shall keep a true account of all funds and disbursements.

Section 4.(b) ~~The Treasurer shall deposit all funds belonging to ICSOM in a bank in his/her name as Treasurer of ICSOM, and he/she shall sign each check as Treasurer before any funds thus deposited are withdrawn.~~ The Treasurer shall receive all funds intended for ICSOM and cause them to be deposited into bank accounts in his/her name as Treasurer of ICSOM.

Section 4.(c) As may be needed at the discretion of the Governing Board, the Treasurer shall set up separate accounts for the Chairperson, the President, and the Secretary, with sufficient funds to pay the ordinary expenses incurred by each, pursuant to their duties. The Treasurer shall set up an account with sufficient funds to pay the cost of publication of *Senza Sordino*, and, if the Editor of *Senza Sordino* also supervises publication of the ICSOM Directory, the cost of publication of the ICSOM Directory. The Chairperson, President, Secretary, and Editor of *Senza Sordino* may each disburse funds from their individual accounts, if any, or using bank cards set up for them by the Treasurer to pay for ordinary expenses incurred pursuant to their duties. The Treasurer shall monitor all such disbursements and shall

report any irregularities to the Governing Board. The Treasurer shall at all times maintain full access to and authority over all accounts holding any funds of ICSOM.

There was a brief discussion by Robert Levine, Laura Ross and Mike Okun, who mentioned that the Governing Board had recently adopted a new Policy Book that addressed some of the issues dealt with in Article V.

Section 4.(ed) The Treasurer shall be the bookkeeper of ICSOM. He/she shall be authorized to incur expenses, and to receive payment or reimbursement of actual and reasonable expenses incurred, in the performance of his/her duties, subject to any limitations or policies adopted by the Governing Board. He/she and shall submit at each regular meeting of ICSOM Annual Conference a complete statement of all receipts and disbursements, including those of other officers, during his/her term of office. His/her books shall be open to examination by the Governing Board at any time.

Section 4.(de) At the expiration of his/her term of office, the Treasurer shall deliver to his/her successor all funds, books, and papers of ICSOM under his/her control, clear of all encumbrance.

Section 4.(ef) The Treasurer shall, by virtue of office, be an alternate delegate to the AFM convention.

Section 5. – Editor of Senza Sordino

Section 5.(a) The Editor of Senza Sordino shall cause to be published no fewer than four issues of Senza Sordino annually.

Section 5.(b) The Treasurer shall set up an account with sufficient funds to pay the cost of publication of Senza Sordino. The Editor of Senza Sordino shall be authorized to incur expenses, and to receive payment or reimbursement of actual and reasonable expenses incurred, in the performance of his/her duties, subject to any limits or policies adopted by the Governing Board.

Section 5.(c) The eEditor of Senza Sordino shall, by virtue of office, be an alternate delegate to the AFM convention.

Section 5.(d) At the expiration of his/her term of office the Editor shall deliver to his/her successor when qualified to receive them all official books, papers and documents pertaining to his/her office under his/her control, clear of all encumbrance.

Section 6. – Members at Large

Section 6.(a) The four Members at Large shall be responsible for the primary communication between the Governing Board and the ICSOM delegates.

Section 6.(b) A Member at Large shall be authorized to incur, and to receive payment or reimbursement for actual and reasonable expenses incurred, in the performance of his/her duties, subject to any limitations or policies adopted by the Governing Board.

Section 6.(c) At the time of the election of Members at Large in the year prior to an AFM convention, the voting delegates shall also select one of the said Members at Large to be a delegate to the AFM convention. In the event that said Member at Large is unable to attend the AFM convention, the Governing Board shall designate an alternate delegate to attend.

David Angus noted first “said” should be removed; there was no objection and is considered housekeeping.

Section 6.(d) Each Member at Large, by virtue of the office, shall be an alternate delegate to the AFM convention.

Section 7. – Governing Board

Section 67.(a) The Governing Board shall carry out the mandates of the voting delegates as determined at any duly convened meeting of ICSOM.

Section 67.(b) Matters not covered by the Bylaws shall be in the discretion of the Governing Board during the period between duly convened meetings of delegate from member orchestras. The disposition of such matters shall be in keeping with Section 67.(a) above and with the purpose of ICSOM as defined in the FOURTH (4th) of the ICSOM Certificate of Incorporation.

Peter de Boor noted that the (A) change to (a) in the final Article also needed to occur here and was considered housekeeping with no objection by the delegates.

Section 6.(c) ~~At the time of the election of Governing Board Members at Large, the voting delegates shall also select one of the said Members at Large to be a delegate to the AFM convention. In the event that said Member at Large is unable to attend the AFM convention, the Governing Board shall designate another Member at Large to attend.~~

Section 6.(e)7.(c) The Governing Board shall determine the agenda before each regular or special meeting of the organization. The Secretary shall send, not later than thirty (30) days prior to the meeting, a copy of the agenda to each member orchestra so that the voting delegate may be prepared to adequately express the views of his/her orchestra.

Section 7.(d) The Governing Board may adopt limits and policies regarding expenditures by officers.

MSC [motion #7 – Robert Levine/Warren Powell] to amend as follows: The Governing Board ~~may~~ shall adopt ~~limits and~~ policies and may adopt limits regarding expenditures by officers. Amendment adopted.

Section 7.(e). In the event of the inability of the Chairperson or President to attend the AFM convention as a delegate, the Governing Board shall select an alternate delegate officer to attend.

Section 7.(f) The Governing Board shall have full power to draw on the ICSOM treasury to further the interests of ICSOM.

Section 8. – Committees

Section 78.(a) **Membership Committee:** The Membership Committee shall be composed of the President, the Secretary, who shall chair the committee, and one Member at Large selected by the Governing Board. The Membership Committee shall meet at such times as may be necessary from time to time to perform its responsibilities hereunder.

Section 8.(b) **Audit Committee:** The Governing Board shall appoint from its members an Audit Committee responsible, at least once a year, for reviewing the records of the Treasurer and reporting any irregularities to the entire Governing Board.

Housekeeping change suggested by Bill Foster without objection by the delegates to move “at least once a year,” to follow the word “reviewing”. It will read: The Governing Board shall appoint from its members an Audit Committee responsible, ~~at least once a year,~~ for reviewing, ~~at least once a year,~~ the records of the Treasurer and reporting any irregularities to the entire Governing Board.

Section 68.(c) **Nominating Committee:** The Governing Board shall appoint a Nominating Committee which may, at its discretion, nominate candidates at each annual conference for those offices which are to be filled that year. Additional nominations may be made from the floor.

* * * *

Bruce introduced Bernice Beckerman, retired member of the Minneapolis and Houston Symphonies and who served previously as Regional Vice-President and Member at Large. Beckerman spoke briefly to the delegates.

Chairman Ridge thanked Houston Local 65-699, and in particular President Lovie Smith-Wright and Secretary-Treasurer Bob McGrew for their incredible hospitality hosting the 2010 ICSOM Conference. Ridge also thanked McGrew for his service, twice, on the AFM International Executive Board. McGrew complied with a request to tell the delegates how he had saved the Local’s building when the ballpark was built across the street. McGrew also noted today is his wife Beverly McGrew’s birthday.

* * * *

ARTICLE VI – MEETINGS

Section 1. A regular meeting (“~~the Annual Conference~~”) of ICSOM shall be held once a year. The location ~~and time~~ for each regular meeting Annual Conference shall be chosen by the voting delegates of a previous Annual Conference, or, if at the conclusion of an Annual Conference there has been no location chosen for the next Annual Conference, by the Governing Board attending the previous regular meeting during the course of that meeting.

Section 2.(a) ICSOM delegates shall be elected by AFM members in each member orchestra in accordance with each orchestra’s established procedure. Delegates must be members in good standing of the AFM. Each member orchestra shall elect one primary ICSOM delegate. A member orchestra

may elect additional delegates (“alternate delegates”) to send to annual conferences in addition to, or in lieu of, the primary ICSOM delegate. Regardless of the number of delegates from a member orchestra who attend an annual conference, each member orchestra shall have only one vote. Each member orchestra shall notify the ICSOM secretary in writing of the identity of the delegate and, if there is an alternate delegate(s), the identity and voting rights of each. Said notification shall be made as soon as feasible after the election. Only those delegates, or alternate or substitute delegates, elected by secret ballot, or by acclamation if unopposed, may make nominations or vote in the election of officers.

Section 2.(b) In the event a member orchestra is unable to send one of its own members as a delegate to a regular or special meeting of ICSOM because it will be engaged in a foreign or domestic tour at the time of such meeting, it may designate a member of another member orchestra to act as its proxy delegate, with all rights and privileges. The chairperson of such member orchestra shall notify its proxy delegate and the Secretary of ICSOM of such designation in writing.

Section 2.(c) In the event that a personal or family emergency arises which prevents the elected delegate or proxy from attending the Annual Conference, a substitute voting delegate may be appointed by the Orchestra Committee, provided that such appointment is in writing and sets forth the reason for the substitution.

Section 2.(d) No ICSOM delegate shall (1) serve in the position of a Personnel Manager or Contractor for an employer; or (2) work in any position where he/she receives any remuneration from contracting or booking musical units (other than a regularly organized one of which he/she is a leader or member).

Section 3. ~~All other~~ Any musician who is a member of an ICSOM orchestras shall be entitled to attend ICSOM meetings as ~~auditors~~ an observer.

MSW [motion #8 – Matt Good/Martin Andersen (New Jersey)] to insert “in good standing of the AFM and” following “who is a member”. Following discussion by Robert Levine, Matt Good, Mike Okun, John Koen, Ron Whaley (Phoenix), and Jim Orleans, the motion was withdrawn.

Section 4. Each member orchestra shall be allowed only one vote, even in those instances where an orchestra has one of its members on the Governing Board.

Section 5. A majority of member orchestras shall constitute a quorum.

Section 6. A special meeting of ICSOM shall be called by the Governing Board upon receipt of a petition stating the purpose of such meeting and signed by the chairpersons of not less than a majority of member orchestras. ~~In such an event, the special meeting shall be held during the months of May or June following.~~ A special meeting of ICSOM may also be called by the Governing Board at any such time as may be required pursuant to Article X hereof.

Section 7. When a referendum of all member orchestras is called, each orchestra shall conduct the referendum in accordance with its own rules and procedures. Thereafter, the votes shall be tallied with each orchestra having one vote, and a simple majority of those orchestras whose votes have been received by the due date shall prevail.

Section 8. The order of business shall be as follows, unless changed by a majority of voting delegates present:

1. Chairperson’s Report
2. President’s Report
3. Secretary’s Report
4. Treasurer’s Report
5. Report of the Editor of *Senza Sordino*
6. Committee Reports
7. Unfinished Business
8. New Business
9. Choice of Location of Future Meetings
10. Good and Welfare

Section 9. Each ICSOM officer shall have the right to speak and to introduce motions at all meetings of ICSOM but shall only be entitled to vote if he/she is the voting delegate of his/her orchestra.

ARTICLE VII – RULES OF GOVERNMENT

The latest edition of Robert's *Rules of Order* shall govern the organization in all cases to which such rules are applicable and in which they are consistent with the bylaws of this organization.

ARTICLE VIII – DUES AND FINANCES

Section 1. The funds of ICSOM shall be created and maintained by dues and contributions by member orchestras, earned interest and other additional contributions and revenue.

Section 2. All funds shall be used to further the interests of ICSOM.

Section 3. ~~(a)~~ For each member orchestra, the amount of dues assessed per year for the fiscal year starting July 1, 2003, shall be the sum of:

- 1~~(a)~~ the number of players guaranteed a minimum annual wage below \$16,000.00 times ~~\$24.00~~\$29.00;
- 2~~(b)~~ the number of players guaranteed a minimum annual wage between \$16,000.00 and \$22,999.99 times ~~\$29.00~~\$34.00;
- 3~~(c)~~ the number of players guaranteed a minimum annual wage between \$23,000.00 and \$39,999.99 times ~~\$34.00~~\$39.00; and
- 4~~(d)~~ the number of players guaranteed a minimum annual wage of \$40,000.00 or more times ~~\$42.00~~\$47.00.

Section 3. ~~(b)~~ Beginning in fiscal year starting July 1, 2004, and continuing through the fiscal year ending June 30, 2009, annual dues in each bracket (1-4 above) shall increase at the rate of \$1.00 per player per year.

Section 84. In addition to the dues amounts set forth above in Section 3, each member orchestra shall pay an amount equal to the number of players times one dollar (\$1), to be set aside by the Treasurer and kept in a separate fund which, together with the interest generated, shall be used exclusively to provide payments of expense money to one or more members of ethnic groups underrepresented in American orchestras, including but not limited to African Americans, Hispanic Americans and ~~Native~~ Native Americans studying at *bona fide* music schools to be classical instrumentalists. The procedure for the selection of recipients of these monies shall be determined by the Governing Board.

Section 4. ~~(a)~~ From the dues set forth in Section 3 above, an amount equal to \$2 per member shall be devoted exclusively to the ICSOM Emergency Relief Fund (“**ERF**”), to be used to provide temporary support, in the form of loans, to member orchestras in need of such support as the result of labor disputes or otherwise.

Section 4. ~~(b)~~ Member orchestras whose dues are fully paid and who have no outstanding loans from the ERF may borrow an amount equal to up to fifteen percent (15%) of the cash balance in the ERF as of the previous July 31. Such loans shall be free of interest for one year from the date the contract is settled or from the resolution of the emergency giving rise to the loan; thereafter, borrowing orchestras shall be charged the then current prime rate *per annum*.

Section 4. ~~(c)~~ The ICSOM Governing Board may borrow from the ERF such amount as it deems necessary. It shall repay such loan(s) on the same terms and conditions as any ICSOM orchestra, except that the term of the loan shall be no longer than one year from the date it is made.

Section 5. ICSOM shall, if requested, pay that amount of the travel expenses incurred in attending the Annual Conference of one delegate from each member orchestra that exceeds the median travel expenses of all delegates of the attending member orchestras.

There was brief discussion about the reason for removal of Section 5; AFM bylaws require each orchestra's Local to pay the necessary expenses to send one delegate to the Annual Conference from each orchestra.

Section 65. ICSOM dues shall be due September 1 of each year and payable by member orchestras on or before December 31. In the event that a member orchestra does not remit its dues by March 1 of a fiscal year, that member orchestra's dues shall be increased that year by an amount equal to the number of orchestra players times an additional one dollar (\$1) per orchestra member. An orchestra unable to

pay dues by March 1 due to bankruptcy, work stoppage or other similar occurrence extending to that date will be forgiven such increase at the discretion of the Governing Board.

Section 46.(a) From the dues set forth in Section 3 above, an amount equal to \$2 per member shall be devoted exclusively to the ICSOM Emergency Relief Fund (“**ERF**”), to be used to provide temporary support, in the form of loans, to member orchestras in need of such support as the result of labor disputes or otherwise.

Section 46.(b) Member orchestras whose dues are fully paid and who have no outstanding loans from the ERF may borrow up to an amount equal to up to fifteen percent (15%) of the cash balance in the ERF as of the previous ~~July 31~~ June 30, upon the approval of the ICSOM Governing Board. Such loans shall be free of interest for one year from the date the contract is settled or from the resolution of the emergency giving rise to the loan; thereafter, borrowing orchestras shall be charged the then current prime rate *per annum*.

Section 46.(c) The ICSOM Governing Board acting in its official capacity may borrow from the ERF such amount as it deems necessary. It shall repay such loan(s) on the same terms and conditions as any ICSOM orchestra, except that the term of the loan shall be no longer than one year from the date it is made.

Section 7. The Chairperson shall receive a yearly honorarium of \$3,000. The President, Secretary, Treasurer, and Editor of *Senza Sordino* shall each receive a yearly honorarium of \$2,000. The Secretary shall also receive an additional \$700 in recognition of his/her efforts in compiling, preparing, and distributing the minutes of the Annual Conference. The Editor of *Senza Sordino* shall also receive an additional honorarium of \$150 per edition of *Senza Sordino* in recognition of his/her efforts in the preparation and distribution of said publication.

~~Section 8. In addition to the dues amounts set forth above in Section 3, each member orchestra shall pay the number of players times \$1, to be set aside by the Treasurer and kept in a separate fund which, together with the interest generated, shall be used exclusively to provide payments of expense money to one or more members of ethnic groups underrepresented in American orchestras, including but not limited to African Americans, Hispanic Americans and native Americans studying at bona fide music schools to be classical instrumentalists. The procedure for the selection of recipients of these monies shall be determined by the Governing Board.~~

ARTICLE IX – SENZA SORDINO

Section 1. *Senza Sordino* shall be the official publication of ICSOM and shall reflect its official policy.

Delegates agreed to waive reading of the following changes to Article X, Section 1.(a).

ARTICLE X – INDEMNIFICATION

Section 1.(a). ~~ICSOM shall indemnify, to the fullest extent permitted by applicable law as the same currently exists or hereafter may be in effect, each person involved in, or made or threatened to be made a party to, any claim or any actual, threatened, pending or completed proceeding, whether civil or eriminal or investigative, or whether formal or informal, and including an action by or in the right of ICSOM or any other entity or enterprise, whether profit or non-profit (any such entity or enterprise, other than ICSOM, being hereinafter referred to as an “Enterprise”), and including appeals therein process being her (any such hereinafter referred to as a “Proceeding”), by reason of the fact that such person, or such person’s testator or intestate (i) is or was an officer of, or a member of the Governing Board of, ICSOM, or (ii) is or was serving, at the request of ICSOM, as an officer, or in any other capacity, on behalf of any Enterprise, against any and all judgments, fines, penalties, amounts paid in settlement and expenses (including, without limitation, attorneys’ fees) actually and reasonably incurred as a result of or in connection with, any Proceeding, except as otherwise provided in Section 1.(b) below.~~ ICSOM shall indemnify, to the extent permitted by current applicable law, any person made, or threatened to be made, a party to an action or proceeding other than one by or in the right of ICSOM to procure a judgment in its favor, whether civil or criminal, including an action by or in the right of any other corporation of any type or kind, domestic or foreign, or any partnership, joint venture, trust, employee benefit plan or other enterprise, which any director or officer of ICSOM served in any capacity at the request of ICSOM, by reason of the fact that he/she, his/her testator or intestate, was a

Board member or officer of ICSOM, or served such other corporation, partnership, joint venture, trust, employee benefit plan or other enterprise in any capacity, against judgments, fines, amounts paid in settlement and reasonable expenses, including attorneys' fees actually and necessarily incurred as a result of such action or proceeding, or any appeal therein if such Board member or officer acted in good faith for a purpose he/she reasonably believed to be, or, in the case of service for any other corporation or any partnership, joint venture, trust, employee benefit plan or other enterprise, not opposed to, the best interests of ICSOM and, in criminal actions or proceedings, in addition, had no reasonable cause to believe that his/her conduct was unlawful. The termination of any such civil or criminal action or proceeding by judgment, settlement, conviction or upon a plea of *nolo contendere*, or its equivalent, shall not in itself create a presumption that any such director or officer did not act in good faith for a purpose for which he/she reasonably believed to be in, or in the case of service for any other corporation or any partnership, joint venture, trust employee benefit plan or other enterprise, did not act in opposition to, the best interests of ICSOM or that he/she had reasonable cause to believe that his/her conduct was unlawful.

ICSOM shall indemnify a Board member or officer of ICSOM made, or threatened to be made, a party to an action by or in the right of ICSOM to procure a judgment in its favor by reason of the fact that he/she, his/her testator or intestate, is or was a director or officer of the corporation, or is or was serving at the request of the corporation as director or officer of any other corporation of any type or kind, domestic or foreign, or any partnership, joint venture, trust, employee benefit plan or other enterprise, against amounts paid in settlement and reasonable expenses, including attorneys' fees actually and necessarily incurred by him/her in connection with the defense or settlement of such action or in connection with an appeal therein, if such director or officer acted in good faith for a reason which he/she reasonably believed to be in, or in the case of service for any other corporation or any partnership, joint venture, trust, employee benefit plan, or other enterprise, not opposed to, the best interests of ICSOM, except that no indemnification under this paragraph shall be made in respect of (1) a threatened action, or a pending action, which is settled or otherwise disposed of, or (2) any claim, issue, or matter as to which such person shall be adjudged to be liable to ICSOM, unless and only to the extent that the court in which the action was brought or, if no action was brought, any court of competent jurisdiction, determines upon application that, in the view of all the circumstances of the case, the person is fairly and reasonably entitled to indemnity for such portion of the settlement amount and expenses as the court deems proper.

No indemnification or advance of the costs of defense under this Section shall be made which is, on the advice of labor counsel, contrary to the provisions of the Labor Management Reporting and Disclosure Act.

The right to indemnification conferred in this Section shall be a contract right and shall include the right to be paid by ICSOM the expenses incurred in defending any such Proceeding in advance of its final disposition; *provided, however*, that if so required by the New York Not-for-Profit Foundation Law ("NPCL"), as in effect at the time of such payment, the payment of such defense expenses in advance of the final disposition of a Proceeding shall be made only upon receipt by ICSOM of an undertaking, by or on behalf of such indemnified party, to repay all amounts so advanced if it shall ultimately be determined that such indemnified party is not entitled to be indemnified under this Section or otherwise.

Section 1.(b) Anything herein to the contrary notwithstanding, no indemnification shall be made to or on behalf of any person if such person has not met the standard of conduct necessary to such indemnification set forth in Section 722 of the NPCL or established pursuant to Section 721 of the NPCL or imposed by any other applicable law. The termination of any Proceeding by judgment, settlement, conviction or on a plea of *nolo contendere*, or its equivalent, shall not in itself create a presumption that any person seeking indemnification under this Article did not meet the standard of conduct necessary therefore under the NPCL or any other applicable law. In addition, no indemnification shall be made with respect to any Proceeding initiated by any such person against ICSOM or an officer of ICSOM or a member of its Governing Board, other than to enforce the terms of this Section, unless such Proceeding was authorized by the Governing Board. Further, no indemnification shall be made with respect to any settlement or compromise of any Proceeding unless and until ICSOM has consented to such settlement or compromise.

Section 1.(c) In making any determination regarding any person's entitlement to indemnification hereunder, ~~it shall be presumed that such person is entitled to indemnification, and ICSOM shall have the burden of proving the contrary. Any~~ determination as to whether a person has met an applicable standard of conduct shall be made in accordance with the provisions of Section 723 and 725 of the NPCL.

Section 1.(d) Written notice of any Proceeding for which indemnification may be sought by any person under this Article shall be given to ICSOM as soon as practicable. ICSOM shall then be permitted to participate in the defense of any such proceeding or, unless conflicts of interest or position exist between such person and ICSOM in the conduct of such defense, to assume such defense. In the event that ICSOM assumes the defense of any such Proceeding absent such conflicts, legal counsel selected by ICSOM shall be acceptable to such person. After such an assumption, ICSOM shall not be liable to such person for any legal or other expenses subsequently incurred unless such expenses have been expressly authorized by ICSOM. In the event that ICSOM participates in the defense of any such Proceeding, such person shall cooperate in good faith with any request that common counsel be utilized by the parties to any Proceeding who are similarly situated, unless to do so would be inappropriate due to actual or potential differing interests between or among such parties. ICSOM shall only assume the defense as provided in this Section where such an undertaking is consistent with state and federal law. In the event that the person seeking indemnification under this Article has not been successful on the merits in defending the action or proceeding, no indemnification or defense costs under this Article shall be paid without prior review and approval of the Board, or membership, as required by Section 723 of the NPCL.

Section 2. ICSOM shall have the power to purchase and maintain insurance to indemnify (i) ICSOM for any obligation that it incurs as a result of any indemnification obligation under the provisions of this Article, or any other indemnification obligation of ICSOM, (ii) any officers of ICSOM or other persons in instances in which they may be indemnified by ICSOM under the provisions of this Article or pursuant to any other indemnification obligation. In the event such insurance is purchased, any person seeking defense or indemnification under this Article shall cooperate with the insurance provider, and a material failure to do so may be deemed by ICSOM to foreclose indemnification under this Article.

Section 3. ICSOM may, to the extent authorized from time to time by the Governing Board, provide indemnification to employees or agents of ICSOM who are not officers of, or members of the Governing Board of, ICSOM with such scope and effect as shall be determined by the Governing Board. Nothing in this Section 3 shall be understood to limit or restrict any right to indemnification under Section 1.(a) of this Article.

Section 4. The indemnification and other rights conferred by this Article shall not be exclusive of any other right permissible under applicable law that any person may have or hereafter acquire under any applicable law or upon the authorization thereof by resolution of the Governing Board or pursuant to the terms of an agreement providing for such rights.

Section 5. If any provision of this Article is determined to be unenforceable in whole or in part, such provision shall nonetheless be enforced to the fullest extent permissible, it being the intent of this Article to provide indemnification to all persons eligible hereunder to the fullest extent permitted under applicable law.

ARTICLE XI – AMENDMENTS TO BYLAWS

Section 1. No amendment shall be entertained which is not consistent with the FOURTH (~~Aa~~) of the ICSOM Certificate of Incorporation.

Delegates agreed the above change was housekeeping only, to match the actual non-capitalization of the FOURTH (a) in the ICSOM Certificate of Incorporation and did not require full orchestra ratification as stated in the next Section 2. Since changes occurred in Article VIII, all delegates will receive a copy of that specific Article VIII, along with an explanation of the changes, and instructions about submitting the results of each orchestra's vote to ratify the changes.

Section 2. Amendments to Articles II, VIII and XI of these bylaws may be submitted for approval at any regular or special meeting. Within thirty (30) days after the approval of such an amendment by a majority of voting delegates at such meeting, such amendment shall be referred to the member orchestras for ratification. Within ninety (90) days following the final day of the meeting, the member orchestras shall

notify the ICSOM Secretary in writing of the approval or non-approval of such amendment(s). Adoption shall be constituted by two-thirds majority affirmation of those member orchestras voting, but in no event shall any proposed amendment(s) to the ICSOM bylaws be deemed adopted unless at least fifty percent (50%) of ICSOM member orchestras have actually cast their respective votes either for or against the adoption of such amendment(s).

Section 3. Amendments to these bylaws other than Articles II, VIII and XI may be adopted by two-thirds affirmative approval of the voting delegates present at any regular or special meeting of ICSOM.

Following completion of the reading of all changes and adopting amendments, the entire document was open for discussion. There being none, the delegates adopted the changes to the bylaws, pending ratification of Article VIII by a majority of ICSOM orchestras. Those changes will be sent to the ICSOM delegates within 30 days and within 90 days of the end of the 2010 Conference, each orchestra's vote will be relayed to the ICSOM Secretary.

* * * *

Chairman Bruce Ridge recognized the bylaw committee – Brian Rood, Laura Ross, Richard Levine, and Michael Moore (Ridge participated during some calls), along with Mike Okun and colleagues honored in the upcoming resolutions. They spent a full year working on all these changes.

Mary Plaine announced that \$1,082 had been delivered to Sam Folio for the **Legislative Action Fund** on behalf of ICSOM.

* * * *

MSC by unanimous consent [motion #9 – ICSOM Governing Board] to honor interim ICSOM counsel Mike Okun for his service to ICSOM.

Whereas, Attorney Michael G. Okun, of Patterson Harkavy LLC, has served as interim counsel to the International Conference of Symphony and Opera Musicians since August, 2009; and

Whereas, Mike Okun stepped in at a moment's notice, at a time when legal advice and assistance were vital to the ICSOM Governing Board; and

Whereas, Mike Okun has been instrumental in assisting the ICSOM Governing Board with a reevaluation of ICSOM's bylaws and an updating of the ICSOM Governing Board policy book; and

Whereas, He has readily shared his great knowledge and has been invaluable in his assistance to the ICSOM Governing Board throughout the 2009-10 season; and

Whereas, Mike Okun has been a wonderful resource, especially as an advisor to ICSOM Chairperson Bruce Ridge; and

Whereas, He has demonstrated tremendous respect, affection and admiration for musicians everywhere through his generous efforts on our behalf; therefore, be it

Resolved, That the officers and delegates to the 2010 ICSOM Conference thank Michael G. Okun for his invaluable work and dedication to the International Conference of Symphony and Opera Musicians this past year, and wish him every success in his future endeavors, and express our gratitude to him for his continuing friendship to ICSOM and all of its members.

* * * *

Mike Okun expressed his thanks for this resolution honoring his work.

* * * *

MSC by unanimous consent [motion #10 – ICSOM Governing Board] to honor attorney Robert Tim Brown for his service to ICSOM.

Whereas, Robert Tim Brown, Esq., of New York City is a colleague of the International Conference of Symphony and Opera Musicians' interim counsel, Michael G. Okun; and

Whereas, Tim Brown has tremendous experience in all levels of labor and employment law; and

Whereas, Tim Brown joined with interim counsel Mike Okun to advise the ICSOM Governing Board, and especially ICSOM Chairperson Bruce Ridge throughout the 2009-10 season; and

Whereas, His expertise, friendship, and eagerness to assist ICSOM were invaluable to the whole organization; and

Whereas, Tim Brown has professed and demonstrated great respect for the musicians of ICSOM; therefore, be it

Resolved, That the delegates to the 2010 ICSOM Conference thank Robert Tim Brown for his expertise, guidance, and friendship to orchestra musicians throughout the country; and, be it further

Resolved, That ICSOM extends its very best wishes to Tim Brown in all of his future endeavors.

* * * *

Chairman Ridge expressed appreciation for Tim Brown's work to assist ICSOM.

* * * *

MSC by unanimous consent [motion #11 – ICSOM Governing Board] to honor attorney Robert Matisoff for his service to ICSOM.

Whereas, Robert Matisoff, of the prestigious Washington DC law firm O'Donoghue and O'Donoghue, is a colleague of International Conference of Symphony and Opera Musicians' interim counsel, Michael G. Okun; and

Whereas, In conjunction with Mike Okun, Robert Matisoff assisted the ICSOM Governing Board this year when, among other things, he provided it with a lengthy training session of labor law issues, and also advised on the proposed updating of ICSOM's bylaws and the ICSOM Governing Board policy book; and

Whereas, He has, through his expertise, assisted ICSOM in its mission of service to symphonic musicians; therefore, be it

Resolved, That the delegates to the 2010 ICSOM Conference thank Robert Matisoff for his expertise, guidance, and friendship to orchestra musicians throughout the country; and, be it further

Resolved, That ICSOM extends its very best wishes to Robert Matisoff in all of his future endeavors.

* * * *

MSC by unanimous consent [motion #12 – ICSOM Governing Board] to honor accountant Jimmy Butts for his service to ICSOM.

Whereas, Jimmy Butts, of the prestigious Atlanta accounting firm Clack & Associates, PC, is a colleague of International Conference of Symphony and Opera Musicians' interim counsel, Michael G. Okun; and

Whereas, In conjunction with Mike Okun, Jimmy Butts assisted the ICSOM Governing Board this year as advisor on all financial matters involved with the proposed updating of ICSOM's bylaws and the ICSOM Governing Board policy book; and

Whereas, He has, through his expertise, assisted ICSOM in its mission of service to symphonic musicians; therefore, be it

Resolved, That the delegates to the 2010 ICSOM Conference thank Jimmy Butts for his expertise, guidance, and friendship to orchestra musicians throughout the country; and, be it further

Resolved, That ICSOM extends its very best wishes to Jimmy Butts in all of his future endeavors.

* * * *

MSC by unanimous consent [motion #13 – ICSOM Governing Board] to honor the passing of New York City Opera Orchestra member Jaime Austria and to honor his advocacy for education, pension transparency and for spearheading the Secretary of Arts Internet petition drive.

Whereas, Jaime Suarez Austria was a valued member of the New York City Opera Orchestra bass section for 17 years; and

Whereas, Jaime had a varied career as a member of New York City Local 802 for 42 years, performing with Leopold Stokowski in the American Symphony Orchestra, and then in the orchestra pits as a Broadway musician during a fifteen year run of “A Chorus Line”, and American Ballet Theater; and

Whereas, Jaime was also a tireless advocate for many causes that were close to his heart, which resulted in the establishment of a number of successful programs; and

Whereas, Jaime believed that every child had the right to receive free music lessons and was successful helping to establish “El Sistema NYC”; and

Whereas, Jaime’s concern for the American Federation of Musicians and Employers Pension Fund moved him to establish the “Informal Watchdog Network” to assure that communication between the Fund and its participants was more transparent, and his work led to the passage of a number of resolutions at the 2007 ICSOM conference that led to the recent appointment of the first orchestra manager Trustee and the continued push for a transactional AFM-EPF website for participants; and

Whereas, Jaime’s greatest public success was spearheading a petition drive to urge President Obama to add the position of Secretary of Arts to his Cabinet, garnering more than 240,000 signatures; and

Whereas, Jaime’s death in May, 2010, dealt a blow to those who benefited from his championing the causes that were so dear to his heart; therefore, be it

Resolved, That the delegates to the 2010 ICSOM Conference express their respect and admiration as well as their sadness for the great loss of such a remarkable and dedicated advocate; and, be it further

Resolved, That the gratitude of musicians throughout the United States, who benefited from Jaime Austria’s advocacy, be expressed to his wife Christine, and to his children.

* * * *

MSC by unanimous consent [motion #14 – ICSOM Governing Board] to thank Music Director JoAnn Falletta for assisting the Honolulu Symphony musicians.

Whereas, JoAnn Falletta is a great friend to ICSOM and its member orchestras; and

Whereas, As Music Director of both the Buffalo Philharmonic and the Virginia Symphony, JoAnn Falletta is a recognized leader in the conducting field; and

Whereas, When the Honolulu Symphony musicians needed the services of a noted conductor, JoAnn Falletta agreed to lead the orchestra in their benefit performance of Beethoven Symphony #9 in December 2009; and

Whereas, This performance came just after the Honolulu Symphony Society filed for bankruptcy protection, jeopardizing the future of one of America’s oldest and most resilient orchestras; and

Whereas, JoAnn Falletta donated her services in the interest of assisting the musicians of the Honolulu Symphony; therefore, be it

Resolved, That the delegates to the 2010 ICSOM Conference thank JoAnn Falletta for her leadership, dedication and generosity in assisting the Honolulu Symphony musicians in their special and emotional evening during which they said thank you to their community for their support over the years.

* * * *

Robert Prokes (Buffalo) thanked the Governing Board for recognizing JoAnn Falletta’s contribution, saying it was well-deserved and that she would be honored. Steve Flanter (Honolulu) spoke about her participation in the benefit concert and that Falletta continues to check in with the orchestra to hear about their progress. Chairman Ridge also spoke in praise of Falletta.

* * * *

MSC by unanimous consent [motion #15 – Matt Comerford (Chicago Lyric), Robert Levine (Milwaukee) and the ICSOM Governing Board] to address the exploitation of Roosevelt University students performing for a professional dance company, and the exploitation of all music students replacing professional musicians in the workplace.

Whereas, An orchestra of professional musicians represented by AFM Local 10-208 is being replaced by a symphony orchestra consisting of music students enrolled in the Roosevelt University Chicago

College of Performing Arts to accompany upcoming performances by the Mark Morris Dance Group, a professional dance company of international standing, at a commercial venue and for which tickets will be sold to the general public; and

Whereas, The use of student musicians and ensembles to provide orchestral accompaniment for professional dance, opera, theater and other productions, for little or no compensation, constitutes exploitation of such students, devalues the work of professional musicians, and deprives professional musicians of their livelihood; and

Whereas, This action establishes precedents that will deprive those same student musicians of future employment and undermines the opportunity for them to make a career as professional musicians, one of the very purposes for which many of them are attending the Roosevelt University Chicago College of Performing Arts or any other performing arts university, college or conservatory; therefore, be it

Resolved, That the delegates to the 2010 ICSOM Conference condemn the replacement by Roosevelt University of professional musicians by its students, or any performing arts university, college or conservatory where unpaid students replace paid professional musicians; and, be it further

Resolved, That the delegates to the 2010 ICSOM Conference condemn such exploitation of any student musicians by their college, and especially exploitation of its student musicians by Roosevelt University, the very institution that is preparing those musicians for careers as professional musicians; and, be it further

Resolved, That the delegates to the 2010 ICSOM Conference express their ardent opposition to, and hereby condemn, this blatant violation of the Code of Ethics of the MENC: The National Association for Music Education, which is “an agreement defining the jurisdictions of music educators and professional musicians”; and, be it further

Resolved, That the delegates to the 2010 ICSOM Conference reaffirm their commitment to the MENC Code of Ethics as it applies to all performing arts universities, colleges and conservatories; and, be it further

Resolved, That the delegates to the 2010 ICSOM Conference hereby urge Roosevelt University to reverse its decision to replace professional union musicians with a student ensemble under its sponsorship and control, thereby depriving working musicians of work that should be performed by professional unionized musicians; and, be it further

Resolved, That all ICSOM orchestras join with the AFM to communicate this message to all performing arts universities, colleges and conservatories in their jurisdictions, and to the National Association of Schools of Music (NASM), the organization which establishes national standards for those educational institutions.

* * * *

MSC by unanimous consent [motion #16 – Matt Comerford (Chicago Lyric)/Robert Levine (Milwaukee)/Norbert Nielubowski (Minnesota and former member of Chicago Lyric)/Rachel Goldstein (Chicago)/Louise Alexander (Indianapolis)/Robert Prokes (Buffalo)] to honor retiring attorney Michael Greenfield.

Whereas, Michael Greenfield has served as chief negotiator and legal counsel to negotiating committees of the Lyric Opera Orchestra of Chicago, the Chicago Symphony, the Milwaukee Symphony, the Indianapolis Symphony, the Buffalo Philharmonic Orchestra and many other ICSOM Orchestras for over 45 years; and

Whereas, Mike also served as legal counsel to Chicago Federation of Musicians Local 10-208 of the AFM for over 45 years; and

Whereas, His knowledge, skill, insights, strategic thinking and participation in all areas of legal counsel for orchestra musicians have always been of the highest level; and

Whereas, He has demonstrated tremendous respect, affection and admiration for musicians everywhere through his generous efforts on our behalf; therefore, be it

Resolved, That the delegates to the 2010 ICSOM Conference express their respect, admiration and gratitude to Michael Greenfield upon his retirement, for his remarkable body of work for over 45 years

on behalf of ICSOM orchestras, AFM Local 10-208, and particularly as legal counsel and negotiator extraordinaire for the Chicago Lyric Opera and the Chicago Symphony Orchestra; and, be it further

Resolved, That the officers and delegates to the 2010 ICSOM Conference thank Michael Greenfield for his invaluable work and dedication, through the orchestras he represented, to the International Conference of Symphony and Opera Musicians, wish him every success in his future endeavors, and express our gratitude to him for his continuing friendship to ICSOM and all of its members.

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MSC by unanimous consent [motion #17 - ICSOM Governing Board] to thank David Herring for his development of the interactive Wage Chart computer application.

Whereas, David Herring has been a longtime valued member of the Minnesota Orchestra trombone section; and

Whereas, On multiple occasions David has served on various Minnesota Orchestra members and negotiating committees; and

Whereas, David, in addition to being a professional musician and member of the American Federation of Musicians, and of the Twin Cities Musicians Union Local 30-73, is also a professional software designer; and

Whereas, Working with the encouragement of ICSOM and the AFM-Symphonic Services Division, David has devoted the past year to developing a straightforward, useful interactive Wage Chart web computer application; and

Whereas, David's application will allow orchestra musicians and their negotiating committees to compare, analyze and generate results from multiple years of relevant data over any number of available parameters; and

Whereas, David has successfully completed this task and has created new software that will aid current and future negotiating union musicians; therefore, be it

Resolved, That the officers and delegates to the 2010 ICSOM Conference wholeheartedly thank David Herring for his innovative work in developing a powerful negotiating tool on behalf of all orchestra musicians.

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MSC by unanimous consent [motion #18 - ICSOM Governing Board] to call upon the management and board of the Richardson Symphony to bargain with the musicians of Local 72-147, Dallas/Ft. Worth.

Whereas The musicians of the Richardson Symphony Orchestra (RSO) have been the essential element of the Richardson Symphony's musical product since its inception; and

Whereas, The musicians of the RSO voted to be represented by the Dallas-Fort Worth Local 72-147 AFM since 1992; and

Whereas, Continued bargaining between the RSO and Local 72-147 since 1992 has resulted in significant improvements in working conditions for those musicians as well as significant improvements in the Richardson Symphony's musical product; and

Whereas, The Richardson Symphony Orchestra management's decision to refuse to collectively bargain with Local 72-147 has resulted in the placing the RSO on the AFM International Unfair List; therefore, be it

Resolved, That the delegates to the 2010 ICSOM Conference call upon the Richardson Symphony Orchestra management and board to bargain with the musicians of Local 72-147.

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MSC by unanimous consent [motion #19 - Penny Brill (Pittsburgh)/Peter de Boor (Kennedy Center)] to call upon the ICSOM Governing Board to establish an accessible, searchable web-based resource center.

Whereas, The dissemination of ideas of interest to orchestras is of the utmost importance; and

Whereas, The existing tools for such dissemination, namely Orchestra-L and Delegate-L, are not well-suited to the retention and organization of such ideas, nor to the dissemination of ideas in certain formats; therefore, be it

Resolved, That the Delegates to the 2010 ICSOM Conference direct the Governing Board to research the feasibility of establishing a web-based resource center with a searchable, organized knowledge base, available to all orchestras.

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MSC by unanimous consent [motion #20 - ICSOM Governing Board] to offer continued support to the musicians of the Honolulu Symphony.

Whereas, The Honolulu Symphony, as embodied in its professional union musicians, is an irreplaceable cultural treasure central to the quality of life of Hawaii that must not be allowed to disappear; and

Whereas, The Honolulu Symphony Musicians have been and continue to be on the front lines of the struggle to protect professionalism, rights and dignity for symphonic musicians everywhere; therefore, be it

Resolved, That the Delegates to the 2010 ICSOM Conference reaffirm their support for the Honolulu Symphony Musicians in their fight to maintain their orchestra as a core community resource and a beacon of artistic excellence.

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Steve Flanter (Honolulu) expressed his orchestra's thanks for ICSOM's continued support.

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Site Selection:

2011 – Detroit MI – David Everson proposed the Detroit Symphony and Local 5 as 2011 hosts; the bid was approved by the delegates as the site of the 2011 conference.

2012 – Chicago IL (hosted by the Chicago Symphony, Chicago Lyric Opera orchestra, Grant Park Symphony and Local 10-208) was approved as the site of the 50th anniversary conference at the 2009 conference.

2013 – Tim Jepson proposed Kansas City as host of the 2013 conference, although official delegate approval will occur at the 2011 conference.

Chairman Ridge expressed his personal thanks to all the orchestras agreeing to host the conference since he has been a longtime proponent of taking the ICSOM conference to various orchestras as opposed to returning to the same location every year.

John Koen inquired about the feasibility of considering the Philadelphia Orchestra as host sometime in the future since the orchestra is not located in Philadelphia when the conference is normally held.

With no Good & Welfare offered, Chairman Bruce Ridge commented that he believes ICSOM will be even stronger this coming year, and that the governing board would work even harder. As he spoke about the fragility of our orchestras and careers, he mentioned two friends from ICSOM orchestras who have recently dealt with great personal changes in their lives - one survived a career threatening injury while the other left his career as a player to become the personnel manager of another orchestra. He wished everyone success in the upcoming year.

MSC [motion #21 - Matt Comerford/Martin Andersen] to adjourn at 1:08PM.