

## Minutes ROPA Conference 2006

Tuesday, August 8, 2006 – Friday, August 11, 2006  
Dedicated to the Memory of ROPA Parliamentarian  
Richard Q. Totusek

### Tuesday, August 8, 2005

President Barbara Zmich called the 2006 Conference to order at 9:36 a.m., Tuesday, August 8, 2006, at the Charleston House Hotel in Charleston, West Virginia. President Zmich and Secretary Fetherston were present.

President Zmich introduced the ROPA Executive Board: Vice-president Larry Gardner, Secretary Tom Fetherston, Treasurer Dennis Danders, Member-at-Large Kathleen Grimes, Member-at-Large Carla Lehmeier, Delegate-at-Large to the AFM Convention Gary Lasley.

Secretary Tom Fetherston took the roll call. The following member orchestras were represented at the roll call:

<b>Orchestra</b>	<b>Attending Delegate</b>
Akron Symphony Orchestra .....	Warren, Cynthia
Albany Symphony .....	Foofat, Nadège
Allentown Symphony .....	Trach, Connie
Ann Arbor Symphony .....	Grimes, Kathleen
Atlanta Ballet Orchestra .....	Caterino, Christina
Atlanta Opera Orchestra .....	Roberts, Becky
Austin Symphony Orchestra .....	Barber, Elaine
Boulder Philharmonic .....	McNeill, Nancy
California Symphony Orchestra .....	Jones, Laurien
Canton Symphony Orchestra .....	Warren, Cynthia
Charleston Symphony Orchestra .....	Agrest, Alex
Chattanooga Symphony & Opera Orchestra .....	Burks, Robert
Cleveland Opera Orchestra .....	Gilbert, Ann
Colorado Springs Philharmonic Orchestra .....	Wilson, Clark
Dallas Opera Orchestra .....	Stone, Norman
Dayton Philharmonic .....	Fetherston, Tom
Elgin Symphony Orchestra .....	Sterba, Steve
El Paso Symphony .....	White, Sylvia
Erie Philharmonic Orchestra .....	Bassett, Greg
Flint Symphony Orchestra .....	DeMarsh, Joe
Florida West Coast Symphony .....	Bannon, Carmen
Fort Wayne Philharmonic .....	MacDermid, Naida
Fresno Philharmonic Orchestra .....	Porter, Laura
Grand Rapids Symphony .....	Peterson, Erich
Green Bay Symphony Orchestra .....	Westergan, Steve
Harrisburg Symphony Orchestra .....	Lentz, Sheldon
Hartford Symphony Orchestra .....	Ledebuhr, Hilary
Hollywood Bowl Orchestra .....	Lasley, Gary
Houston Ballet Orchestra .....	Nelson, Nancy
Houston Grand Opera Orchestra .....	Nelson, Nancy
Hudson Valley Philharmonic .....	Winograd, David
Huntsville Symphony Orchestra .....	Nutt, Dorrie
Kalamazoo Symphony Orchestra .....	Dahlberg, Anders

Knoxville Symphony Orchestra .....	Miller, Stacy
Las Vegas Philharmonic .....	Oswald, Elizabeth
Lehigh Valley Chamber Orchestra .....	Braden, Daniel
Long Beach Symphony Orchestra .....	Lashinsky, Leslie
Long Island Philharmonic .....	Scelba, Anthony
Los Angeles Chamber Orchestra .....	Handy, Trevor
Los Angeles Opera Orchestra .....	Moore, Margaret
Memphis Symphony Orchestra .....	Roode, David
Michigan Opera Theatre Orchestra .....	Near, Greg
Milwaukee Ballet Orchestra .....	Payne, Bradley
Minnesota Opera Orchestra .....	Morris, Amy
Mississippi Symphony Orchestra .....	Sudderth, Jeanette
Monterey Symphony .....	Allcott, David
Napa Valley Symphony .....	Nemoyten, Mark
New Haven Symphony Orchestra .....	Fay, Terrence
New Mexico Symphony Orchestra .....	Develder, Derek
Oakland East Bay Symphony .....	Spangler, Debbie
Omaha Symphony Orchestra .....	Sandene, Karen
Pacific Symphony .....	Riley, Carolyn
Palm Beach Opera Orchestra .....	Arnone, Francesca
Pittsburgh Opera and Ballet Orchestras .....	Anderson, Cindy
Portland Opera Orchestra .....	Roberts, Sherill
Rhode Island Philharmonic .....	Sherba, Charles
Richardson Symphony Orchestra .....	Anderson, Dwight
Richmond Symphony .....	Judd, Tim
Santa Barbara Symphony .....	Woods, Laury
Santa Rosa Symphony .....	Morton, Doug
Shreveport Symphony Orchestra .....	Cooper, Joseph
South Bend Symphony .....	Bergeron, Thomas
Spokane Symphony Orchestra .....	Youmans, Greg
Symphony Silicon Valley .....	Spangler, Debbie
Toledo Symphony Orchestra .....	Dietz, Emily
West Virginia Symphony .....	Barker, Karen
Wichita Symphony Orchestra .....	Neighbor, Carol

The following orchestras were not represented:

- Arizona Opera Orchestra
- Delaware Symphony Orchestra
- Lexington Philharmonic
- Northeastern Pennsylvania Philharmonic
- Tulsa Opera Orchestra

There were 67 member orchestras represented, and 5 not represented.

President Zmich introduced The Honorable Danny Jones, Mayor of Charleston, West Virginia. Mr. Jones addressed the conference with welcoming remarks.

President Zmich introduced Brad Bradley, President of AFM Local 136, and Mr. Bradley welcomed the conference to Charleston.

President Zmich introduced Paul Helfrich, Executive Director of the West Virginia Symphony, who also welcomed the conference to the city of Charleston.

President Zmich introduced Karen Barker, Conference Coordinator. Karen thanked Mayor Jones, Local 136 President Bradley, and E.D. Helfrich for all of their support to the WV Symphony. She delivered a welcome note from the WV Symphony orchestra committee.

President Zmich introduced SSD staff members Nathan Kahn, Laura Brownell, Debbie Newmark, Chris Durham, Janice Galassi, and Eric Beers. She introduced Todd Jelen who was observing the conference as a representative of the Wisconsin Chamber Orchestra.

The Delegates separated into groups to meet with their Members-at-Large and to deliver their orchestra reports.

At 5:15 p.m., the Conference recessed for the evening until the following morning.

### **Wednesday, August 9, 2006**

President Zmich called the Conference to order at 9:30 a.m., on Wednesday, August 9, 2006.

President Zmich introduced AFM Secretary-Treasurer Sam Folio, Local 5 President Gordon Stump (Detroit), Local 10-208 President Gary Matts (Chicago/Elgin), Local 47 President Hal Espinosa (Los Angeles), ROPA Counsel Patricia Polach, Local 9-535 Vice-president John Grimes (Boston), RMA Secretary Marc Sazer, and OCSM Second Vice-president Barbara Hankins.

President Zmich addressed the Conference with a brief overview of her accomplishments as ROPA President, and expressed her gratitude for the honor and privilege of serving ROPA.

Treasurer Danders delivered the Financial Report. He announced that the Executive Board had approved the ROPA Budget.

Tony Scelba moved to approve the budget as presented by Treasurer Danders, and the motion carried.

President Zmich offered a memorial of Richard Totusek.

The Executive Board moved the following resolution, which the Conference approved unanimously.

*Whereas*, Richard Totusek was an invaluable colleague and great friend to ROPA since the inception of our organization in 1984;

*Whereas*, Richard's encyclopedic knowledge of parliamentary procedure and contract language made him the ultimate authority for our questions on those subjects;

*Whereas*, Richard's sincerity and compassion for ROPA orchestras and our musicians was apparent to any of us who were recipients of his beneficent sagacity;

*Whereas*, Richard's recent death has deprived us of our greatest resource for both technical knowledge and unionist wisdom, therefore, be it

*Resolved* that ROPA make a gift of \$100 dollars to the Richard Q. Totusek Memorial Fund.

*Be it further Resolved* that the title "ROPA Parliamentarian in Aeternam" be conferred posthumously on our beloved friend and mentor Richard Totusek.

Vice-president Larry Gardner led a report of the findings of the MAL breakouts from the previous day. Each Member-at-Large - Kathleen Grimes, Nancy Nelson, Carla Lehmeier, Jennifer Potochnic, Dennis Danders (Substituting for Sylvia White, who had to leave the Conference early) - listed several recent trends that were of concern to the delegates who participated in the breakout sessions.

Pittsburgh Ballet and Opera Orchestras Delegate Cindy Anderson delivered a special report on recent events with the Pittsburgh Ballet. During the previous season, the Pittsburgh Ballet management announced that they would perform the entire season without orchestra. Through collective action of various kinds, ROPA and the AFM - and ROPA President Emeritus Nathan Kahn in particular - were instrumental in convincing the Ballet to maintain the artistic integrity of the Ballet by bringing the musicians back into the orchestra pit. She related to the Conference that there was a high level of support and assistance from dancers in the company, as well as AGMA and IATSE. Cindy reported that the new Executive Director of the Ballet seems very committed to keeping live music. She thanked Nathan Kahn for advice that turned the tide for them, and to Barbara Zmich for her support and advice.

Atlanta Ballet Delegate Christina Caterino delivered a special report on recent events with the Atlanta Ballet. Atlanta Ballet recently announced - during the time they were on the other hand negotiating for a new contract with the musicians - that they would use tape, and would offer the musicians a severance package.

AFM SSD Negotiator Chris Durham, AFM SSD Negotiator Nathan Kahn, AFM Local 5 President Gordon Stump, ROPA Member-at-Large Kathleen Grimes, and Michigan Opera Theatre ROPA Delegate Greg Near all spoke on a panel with the topic of "Negotiating Committee Responsibilities," moderated by AFM Organizing and Education Director Janice Galassi. Nathan began by speaking on the common theme of having trouble putting together a full complement of an orchestra committee. The panel illuminated several important requirements for serving on orchestra committees, such as time commitment, legal obligations, negotiation, and communication.

Secretary Fetherston delivered five recommendations from the Executive Board to the Conference for their consideration, with advance notice that the recommendations would be presented on Friday morning for the deliberation of the Conference.

AFM Symphonic Services Division Executive Director Laura Brownell explained to the Conference Delegates some of the services her department provides, including some of the newer services such as public relations training. She offered words of praise for President Barbara Zmich's work on ROPA's behalf.

AFM Symphonic Services Division Negotiator and ROPA President Emeritus Nathan Kahn spoke to the conference about "*Powah*." He recommended the book "Inhuman Relations," by Guillermo J. Grenier.

AFM Symphonic Electronic Media Director Debbie Newmark and ROPA Counsel Patricia Polach spoke about the Symphonic Live Media Agreement. Patricia explained the history of the negotiations of the agreement.

AFM Secretary-Treasurer Sam Folio addressed the Conference. Secretary-Treasurer Folio informed the Conference that the AFM is no longer planning for a loss of members. He heartens us that we need to be proud to be classical musicians, because our time is now.

AFM President Tom Lee addressed the conference. He began by speaking about the building fund, which is designated to fund the Federation's move to less expensive office accommodations, and proceeded to cover many different areas of activity in the Federation. Afterward, President Lee entertained questions on issues relevant to ROPA.

At 5:29 p.m., President Zmich adjourned the Conference until 9:30 a.m. the following morning.

### **Thursday, August 10, 2006**

President Zmich called the Conference to order at 9:30 a.m., on Thursday, August 10, 2006.

AFM Symphonic Electronic Media Director Debbie Newmark explained some of the terms of the Symphonic Live Media Agreement. This agreement only covers live recordings, although limited patch sessions are accounted for; there is a mandatory up-front payment for any work done under the agreement. Each project must go through an approval process.

ROPA Counsel Patricia Polach and AFM Director of Government Relations Hal Ponder spoke to the conference on the topic of lobbying and building relationships between groups and organizations.

Hon. David Bonior, Chair, American Rights at Work, former Minority Whip for the U.S. House of Representatives spoke to the conference on the activities of the American Rights at Work organization, and the general atmosphere of the labor movement in our part of the world.

Ron Bauers, CPA, presented a seminar on financial statements, audits, and accounting principles, with information delegates and orchestra committees may need to know to be able to process financial data given by management.

ICSOM Chairperson Jan Gippo spoke to the conference. He congratulated ROPA on its growth in the last several years, and asks ROPA to be part of setting the agenda for the future.

President Zmich opened the floor of the conference to nominations for the office of ROPA President. Ann Arbor Symphony Delegate Kathleen Grimes nominated Tom Fetherston as a candidate for ROPA President. Hearing no further nominations for the office of President, President Zmich declared Tom Fetherston elected by acclamation.

President Zmich opened the floor of the conference to nominations for the office of ROPA Vice-president. West Virginia Symphony Delegate Karen Barker nominated Kathleen Grimes as a candidate for ROPA Vice-president. Hearing no further nominations for the office of Vice-president, President Zmich declared Kathleen Grimes elected by acclamation.

President Zmich opened the floor of the conference to nominations for the office of ROPA Secretary. Fresno Philharmonic Delegate Laura Porter nominated Larry Gardner as a candidate for ROPA Secretary. Hearing no further nominations for the office of Secretary, President Zmich declared Larry Gardner elected by acclamation.

President Zmich opened the floor of the conference to nominations for the office of ROPA Treasurer. Kalamazoo Symphony Delegate Anders Dahlberg nominated Dennis Danders as a candidate for ROPA Treasurer. Hearing no further nominations for the office of Treasurer, President Zmich declared Dennis Danders elected by acclamation.

President Zmich opened the floor of the conference to nominations for the office of ROPA Editor. Shreveport Symphony Delegate Joe Cooper nominated Amy Morris as a candidate for ROPA Editor. Hearing no further nominations for the office of Editor, President Zmich declared Amy Morris elected by acclamation.

President Zmich opened the floor of the conference to nominations for the 5 open positions for the office of ROPA Member-at-Large. Albany Symphony Delegate Nadège Foofat nominated Laurien Jones; Oakland East Bay Symphony Delegate and Symphony Silicon Valley Delegate Debbie Spangler nominated Nancy Nelson; Minnesota Opera Orchestra Delegate Amy Morris Nominated Nadège Foofat; Portland Opera Orchestra Delegate Sherill Roberts nominated herself. Hearing no further nominations for the office of Member-at-Large, President Zmich declared nominations for Member-at-Large closed.

On behalf of the six ROPA member orchestras in the San Francisco bay area, Symphony Silicon Valley Delegate and Oakland East Bay Symphony Delegate Debbie Spangler invited the Conference to be held in the San Francisco bay area for the 2007 Conference. Houston Grand Opera Orchestra Delegate and Houston Ballet Orchestra Delegate Nancy Nelson invited the Conference to be held in Houston, Texas for the 2008 Conference. As no further invitations were forthcoming, the Delegates approved the conference location for 2007 to be in the San Francisco bay area and for 2008 to be in Houston, Texas, provided the ROPA Conference Committee is able to find suitable accommodations on those locations.

Nathan Kahn, Chris Durham, David Schoenbrun, and Eric Beers summarized their impressions of the reports that had come out of the MAL breakouts that were held on Tuesday.

At 5:30 p.m., President Zmich adjourned the Conference until the following morning.

## Friday, August 11, 2006

President Zmich called the Conference to order at 9:30 a.m., on Friday, August 11, 2006.

Doug Patti, from Executive Arts Resources, LLC, with AFM SSD Negotiator Nathan Kahn, and Harrisburg Symphony Delegate Sheldon Lentz spoke on a panel with the topic of Building relationships with orchestra board members, moderated by SSD Executive Director Laura Brownell. Mr. Patti suggested that there is a need for communication and education on both sides. Delegate Lentz related the success story of the good relationship between musicians and orchestra board in the Harrisburg Symphony.

The Conference discussed and ratified the following resolutions recommended by the ROPA Executive Board:

### Resolution 1

*Whereas*, considerable money is collected and distributed in ROPA's name;

*Whereas*, there is no provision in the ROPA Bylaws for an audit if the ROPA Treasurer resigns before the Annual Conference, therefore, be it

*Resolved*, that new Subsection (i) be inserted into Article IV Section 5 as follows:

- (i) In the event that the ROPA Treasurer leaves office prior to the end of the fiscal year, the ROPA Executive Board shall conduct an audit and make a written report to the ROPA Delegates.

*Submitted by ROPA Treasurer Dennis Danders, moved by the Executive Board*

### Resolution 2

*Whereas*, there is no provision in the ROPA Bylaws regarding auditing ROPA's financial records;

*Whereas*, ROPA's financial records have not been carefully audited;

*Whereas*, considerable amounts of money are collected and disbursed in ROPA's name;

*Whereas*, the Department of Labor is examining LM-3 Reports more thoroughly, therefore, be it

*Resolved* that Article VII be amended as follows:

Section 1 **Enumeration.** The ROPA President shall appoint the following members to the following ROPA Standing Committees, subject to the approval of the ROPA Executive Board: Legislative Committee, Electronic Media Committee, Conference Committee, and Auditing Committee.

*Be it Further Resolved* that new Section 6 be inserted into Article VII as follows:

Section 6. Auditing Committee. The ROPA Auditing Committee shall have the purpose of conducting a financial audit and presenting a report and the ROPA Annual Conference. The Auditing Committee shall be selected by the ROPA President prior to the end of the fiscal year. It shall consist of three(3) ROPA Delegates from Full Member Orchestras who are not members of the ROPA Executive Board and who are attending the Annual Conference.

*Submitted by ROPA Treasurer Dennis Danders, moved by the Executive Board*

### **Resolution 3**

*Whereas*, Article V, Section 6 is not set up in sequential order;

*Whereas*, changing the order allows the Section to flow better as it addresses the President, the Executive Board, and then the AFM Delegate(s), therefore, be it

*Resolved* that Article V, Section 6 be amended as follows:

Section 6 Vacancies. In the event of a vacancy in the office of President, the Vice President shall assume that office. In the event of a vacancy in any other office, the Executive Board shall appoint a replacement for a temporary period lasting until the next Annual Conference, where an election shall be held for a member to serve the remaining term of office, if any.

In the event that the President or Vice President is unable to attend the AFM International Convention, the next available Alternate Delegate shall fulfill the role of First or Second Delegate to the Convention. In the event of a vacancy in the office of Delegate-At- Large to the AFM Convention, the next available Alternate Delegate shall fill that office.

~~In the event of a vacancy in any other office, or~~ In the event there are no more available Alternate Delegates to fill a vacancy in one of the three Delegates to the Convention, the Executive Board shall select a replacement. ~~for a temporary period lasting until the next Annual Convention, where an election shall be held for a member to serve the remainder of the term, if any.~~

*Submitted by ROPA Treasurer Dennis Danders, moved by the Executive Board*

### **Resolution 4**

*Whereas*, it has been a usual practice that ROPA Conferences would pass a resolution allowing the Executive Board to change the following year's Conference location or dates, if necessary, for financial, logistical, negotiation, or other technical reasons;

*Whereas*, the Conference Coordinator may be empowered with greater freedom in negotiating with hotels if the Conference location is not entirely restricted, therefore, be it

*Resolved* that Article VII, Section 1 be amended as follows:

Section 1. An annual Conference of ROPA shall be held at a time and place designated by the previous Conference, except that the ROPA Executive Board shall have the power to alter or amend, as it may deem necessary, the selected location and/or date(s) of an upcoming ROPA Conference. The Conference shall be authorized to delegate the selection of time and/or place to the Executive Board or a special committee at its discretion.

Submitted by the ROPA Executive Board

### **Resolution 5**

*Whereas*, no provision has been made in case of a tied vote in election of officers;

*Whereas*, no provision has been made to handle election of Members-at-Large to a one-year term to complete the term of a vacant position, therefore, be it

*Resolved* that Article V Section 5 be amended as follows:

Section 5. **Balloting:** Elections shall be by secret ballot. In the event that only one candidate is nominated for an Office, that candidate shall be declared elected by acclamation, without the need of balloting. The President shall appoint an Election Committee of three ROPA Delegates who are from Full Membership ROPA Orchestras and who are neither Officers nor candidates for Office. Each Full Membership ROPA Orchestra Delegate may cast one ballot, on which he or she shall vote for not more than the number of positions to be filled for each Office. Any votes cast in violation of this rule shall be null and void. The Election

Committee shall gather and tally the ballots. In case of a tie, a runoff election shall be held immediately following the preliminary announcement of the election results. The candidates receiving the largest number of votes for Member-at-Large shall be declared elected. In years when Member-at-Large positions are open for both two-year and one-year terms, the two-year terms shall be filled by the candidates receiving the highest numbers of votes, and the one-year terms shall be filled by the candidates with the next-highest numbers of votes. In case of a tie at the point determining the winner of a two-year term, a runoff election shall be held immediately following the preliminary announcement of the election results. A majority of votes cast shall be necessary for election to any other Office. The Chair of the Election Committee shall report the count of the tally to the body and shall declare which candidates are elected.

*Submitted by the ROPA Executive Board*

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The Election Committee, Tony Scelba, Becky Roberts, and Greg Near, held a secret ballot election for determining which of the five candidates for Member-at-Large would be filling the three two-year terms. After the Election Committee counted and tallied the ballots, Election Committee Chairman Tony Scelba announced that Nancy Nelson, Carla Lehmeier, and Laurien Jones had been elected to two-year terms, and Sherill Roberts and Nadège Foofat would fill the two positions for one-year terms.

Damone Richardson, Director of Survey Research and Strategy Development with the Cornell University School of Industrial and Labor Relations, spoke to the conference on the topic of Industry Consolidation. The profile of our industry is evolving into a blend of arts, entertainment, media, leisure and communications – instead of just being a discrete segment of the “entertainment” industry. The industry is being controlled by fewer and fewer corporate entities over time. Mr. Richardson informed the attendees that 15 different unions have separately negotiated contracts with ClearChannel.

The delegates approved unanimously, in the absence of prepared resolutions to the effect, to bestow upon Tom Fetherston and Larry Gardner the titles of Secretary Emeritus and Vice-president Emeritus, respectively.

The delegates approved unanimously the following resolution:

**Whereas**, Barbara Zmich has served ROPA as Member at Large and President for the past 5 years;

**Whereas**, Barbara Zmich has served ROPA as a fierce and compassionate advocate;

**Whereas**, it is self-evident that Barbara Zmich has inspired the hearts of all she works with;

**Whereas**, we have seen that Barbara Zmich takes courageous initiative in difficult situations;

**Whereas**, her strong leadership and perspicacious determination will continue to be felt in ROPA for years to come, therefore, be it

**Resolved**, that the 2006 Conference of ROPA extends to Barbara Zmich our sincere gratitude, and blessings on all of her future endeavors;

**Be it further resolved**, that the 2006 Conference of ROPA confers on Barbara Zmich the title of President Emerita.

President Zmich thanked Local 136 President Brad Bradley for his work on behalf of the conference, and 2006 Conference Coordinator Karen Barker for all of her work with the conference hotel. She thanked the guest presenters, and the AFM Local officers in attendance.

Chattanooga Symphony and Opera Delegate Bob Burks moved to adjourn, and the delegates carried the motion.

At 4:00 p.m., President Barbara Zmich adjourned the 2006 ROPA Conference.

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Tom Fetherston, ROPA Secretary