

1 STATE OF INDIANA)
) SS:
2 COUNTY OF MONROE)
3

4 IN THE CIRCUIT COURT OF MONROE COUNTY

5 CAUSE NO. 53C06-2203-PL-000509

6 COUNTY RESIDENTS AGAINST ANNEXATION,)
7 INC., an Indiana not for profit)
8 corporation, et al.)

9 Remonstrators/Appellants/Petitioners,)

10 -vs-)

11 THE COMMON COUNCIL of the City of)
12 Bloomington, Monroe County, Indiana,)
13 et al.)

14 Respondents.)

15 DEPOSITION OF DUSTIN DILLARD

16
17 The deposition upon oral examination of DUSTIN
18 DILLARD, a witness produced and sworn before me,
19 Colleen Brady, Notary Public in and for the County
20 of Monroe, State of Indiana, taken on behalf of the
21 Respondents, at the offices of Bloomington City
22 Hall, 401 North Morton Street, Room 225,
23 Bloomington, Monroe County, Indiana, on the
24 20th day of March 2024, at 11:01 a.m., pursuant to
25 the Indiana Rules of Trial Procedure with written
notice as to time and place thereof.

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APPEARANCES

FOR THE PETITIONERS:

William J. Beggs
BUNGER & ROBERTSON
211 South College Avenue
Bloomington, IN 47404
812.332.9295
wjbeggs@lawbr.com

FOR THE RESPONDENTS:

Stephen C. Unger
BOSE MCKINNEY & EVANS LLP
111 Monument Circle
Suite 2700
Indianapolis, IN 46204
317.684.5000
sunger@boselaw.com

ALSO PRESENT:

Margaret Clements

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1 (Time noted: 11:01 a.m.)

2 DUSTIN DILLARD,
3 having been duly sworn to tell the truth, the whole
4 truth, and nothing but the truth relating to said
5 matter, was examined and testified as follows:

6

7 DIRECT EXAMINATION,

8 QUESTIONS BY STEPHEN C. UNGER:

9 Q Could you state your name for the record?

10 A Yeah. Dustin Dillard.

11 Q Chief, is it all right if I call you chief?

12 A You can call me whatever you want.

13 Q We've never met before today that I can recall;
14 right?

15 A I don't recall.

16 Q I'm Steve Unger. I'm one of the attorneys that
17 represents the city in their annexation efforts.

18 Have you ever been deposed before?

19 A I have.

20 Q Okay. What for?

21 A Fire investigation related stuff.

22 Q So you know it's important -- we have a court
23 reporter; you understand you're under oath?

24 A I do.

25 Q And she is typing everything that you say?

1 A Absolutely.

2 Q It's important that when I ask you a yes-or-no
3 question, you answer yes or no instead of
4 nodding your head.

5 A Okay.

6 Q Because a head nod doesn't show up in the
7 transcript.

8 A Okay. Not a problem.

9 Q And it's also important we try not to talk over
10 each other just so that she is able to keep
11 track of what I say and you what you say.

12 You understand that?

13 A Understood.

14 Q So do you understand that I'm going to ask you
15 questions and your responsibility is to answer
16 the questions that I ask you as truthfully and
17 honestly and completely as you can.

18 Do you understand that?

19 A Absolutely.

20 Q If for whatever reason I ask you something and
21 you don't understand it, will you let me know?

22 A Absolutely.

23 Q If we need a break at any point just let me
24 know.

25 A Okay.

1 Q Just I ask that you finish the answer to the
2 question I've asked.

3 A Absolutely.

4 Q What did you do to prepare for your deposition
5 today?

6 A Looked at some previous emails. Looked at a --
7 I got a folder that has a couple of documents.
8 Newspaper articles mostly. Really -- sorry,
9 counsel, but -- not a whole lot.

10 Q When you say you looked at previous emails and
11 documents, what were you looking for?

12 A I just typed in "Annexation" in my email and
13 just looked at whatever came up.

14 Q Who are you employed?

15 A Monroe Fire Protection District.

16 Q What is your role there?

17 A I am the fire chief.

18 Q How long have you been in that role?

19 A Since September 2014. Coming up on 10 years.

20 Q What did you do prior? What were you -- you've
21 been the chief since September 2014?

22 A Correct.

23 Q Before that, what was your --

24 A I was an assistant chief, I was a captain of
25 training, and I was a firefighter.

1 Q All with Monroe Fire Protection District?

2 A Correct. When I started, the name of the
3 district was Perry-Clear Creek Fire Protection
4 District. It was renamed after several mergers.

5 Q When did you start with Perry-Clear Creek Fire
6 Protection District?

7 A 2006.

8 Q And you started, I assume, as just a
9 firefighter?

10 A Volunteer firefighter.

11 Q Okay. At that time was Perry-Clear Creek a
12 volunteer -- Perry-Clear Creek Fire Department
13 District a volunteer department?

14 A It was a combination department. There were
15 paid and volunteer staff.

16 Q Okay. When did you become -- let me back up.
17 Prior to Perry-Clear Creek, were you with
18 any other departments?

19 A No.

20 Q When did you convert from a volunteer to a paid
21 firefighter?

22 A I don't remember the date. It was within the
23 first year. I started working part time.

24 Q Do you recall when you became full time?

25 A 2010. March of 2010.

1 Q When you became full time, was that still as a
2 firefighter?

3 A It was.

4 Q And then by September of 2014, you became the
5 chief?

6 A Correct. Shortly after I became full time, I
7 took over training as a captain.

8 Q When you started in 2006, can you say what
9 percentage was volunteer -- firefighters were
10 volunteer -- versus full time? How many --
11 maybe a way to ask that is how many full time,
12 fully paid, firefighters did they have at that
13 time?

14 A Probably around 15.

15 Q Would that include upper level policymaking?

16 A No. There were only two at that time. So 15 to
17 18 with everyone that was career include.

18 Q How many volunteers were there at that time?

19 A 20 maybe. It's always a hard one to answer
20 because there's active and not so active people.

21 Q Meaning some people that are on the volunteer
22 list --

23 A Correct.

24 Q -- don't always show up?

25 A Yeah.

1 Q Right? Correct?

2 A Yeah.

3 Q Understood. What is your home address?

4 A 811 East Monroe Dam Road. And that's
5 Bloomington, 47401.

6 Q Is that in an annexation area?

7 A No.

8 Q So I'm clear here, you understand there are
9 seven annexation areas in total that were,
10 ultimately, adopted by the city?

11 A Understood.

12 Q But we're really here on only two: Area 1A and
13 1B. You understand that?

14 A Yes, sir.

15 Q So when I say "annexation areas," that does not
16 include any of the annexation areas?

17 A Oh, no, correct. I'm way south.

18 Q Have you lived there the entire time that you --

19 A I moved to that location in 2010.

20 Q Where's the headquarters for the fire district?

21 A 3953 South Kennedy Drive, Station 22.

22 Q Is that in any of the annexation areas?

23 A I think it would be in 1A maybe. It's by Kroger
24 South. I can't remember if it's 1A or B.

25 Q So you think it's in Area 1A or 1B?

1 A I believe so.

2 Q So you've been identified as someone who, if
3 called to testify in this case, would be asked
4 to testify about the impacts on firefighting
5 operations in Bloomington and Monroe County if
6 the annexations occur.

7 You understand that?

8 A Yes.

9 Q Have you discussed any of those issues with
10 Mr. Beggs or anybody at his firm?

11 A Not for sometime. At one point in time, I had a
12 phone conversation with Mr. Beggs and Margaret.
13 I couldn't tell you when, but it's been one if
14 not two to three years ago.

15 Q Any other occasions since that call one to
16 two -- or two to three years ago? I don't want
17 to misstate.

18 A Spoke with Mr. Beggs for 15 or 20 minutes within
19 the last month. I don't recall what day.

20 Q So I just want to make sure I'm exhausting them.
21 A couple of years ago with --

22 A Correct.

23 Q -- Mr. Beggs and Ms. Clements?

24 MR. UNGER: Clements or Clements?

25 MS. CLEMENTS: Clements.

1 MR. UNGER: Clements, okay.

2 MS. CLEMENTS: With a "T."

3 MR. UNGER: Thank you.

4 Q And then Mr. Beggs a couple of months ago?

5 A No. It was within the last month.

6 Q Within the last month. Okay. The discussion
7 with Mr. Beggs within the last month, what did
8 that discussion entail?

9 A Just to ask if anything was known about this
10 deposition. The group was listed in the letter
11 that I received.

12 Q The group, I'm sorry?

13 A What is it? Community -- the CRAA. It says it
14 on the top of the letter. I don't know.

15 Q So -- go ahead.

16 A The people that you're in court with.

17 Q Yeah. So your discussions with Mr. Beggs
18 related to CR -- County Residents Against
19 Annexation?

20 A Yeah. The question was "What is this about?"

21 Q Did you talk at all about the impacts on -- of
22 annexation on firefighting operations in
23 Bloomington and Monroe County?

24 A I was reminded of the conversation we had
25 several years ago when that was a question that

1 was asked at the time was: was there going to
2 be an impact to the tax revenue?

3 Q Did you discuss any other impacts beyond tax
4 revenue?

5 A I don't recall.

6 Q And I want to be clear. Any other -- did you
7 discuss any other impacts besides tax revenue in
8 the last month with Mr. Beggs?

9 A No.

10 Q And then two or three years ago, when you had
11 the other conversation, any other impacts
12 besides revenue that were discussed that you
13 recall?

14 A I remember specifically talking about income
15 tax. I think public safety and regular income
16 tax. I was actually out of town and on the
17 phone in a parking lot. So it was a pretty
18 casual conversation.

19 Q And so what was the -- if you can tell me, what
20 was the impact to annexation -- the tax impact
21 that you discussed a couple of years ago and
22 were reminded about?

23 A It was, basically, the city had done a financial
24 study -- the county had done a financial study,
25 and it was whether or not I had looked at that

1 and if I knew what the impact would be.

2 Q So you're familiar with the county study and the
3 city study?

4 A I wouldn't say I'm familiar, but I have read
5 them in the past.

6 Q Do you have any other knowledge of the impact,
7 financial impact, or other impacts outside of
8 those studies? Or is that what you're --

9 A So --

10 Q Go ahead.

11 A I guess when I say I'm familiar with those
12 studies, I haven't put a whole lot of weight
13 into their numbers. I understand how the local
14 income tax is distributed -- so I understand
15 that, you know, it can be variable -- and I
16 understand that it would be impacted if the city
17 were to increase their levy. But without
18 knowing the exact numbers, I know there would be
19 an impact but I couldn't tell you how much it
20 would be.

21 Q You haven't done your own study of the financial
22 impact?

23 A No. Initially, yes. When the city first
24 proposed the annexation, I know that it was
25 around 44 percent of our property tax levy, the

1 assessed value of our area, that was going to be
2 impacted -- beyond that, no.

3 Q When you say "initially," do you mean in 2017?

4 A Yeah. When there was a press conference and it
5 hit the paper.

6 Q I'm sorry. So -- and I want to make sure I
7 understand. So you did a study in 2017
8 yourself? Or you engaged somebody to do it?

9 A I wouldn't necessarily say it was a study. I
10 just did the math.

11 Q Just did what math so I understand?

12 A I looked at the assessed value of the area that
13 was being annexed and divided that by the total
14 assessed value of the fire district to see what
15 percentage was impacted.

16 Q So then the city, you understand, was stopped by
17 the legislature from proceeding with annexation
18 after 2017 and then reinitiated it in, I want to
19 say, 2020 -- you understand that? -- 2021?

20 A I don't necessarily know how all that went down
21 in that window. But, yeah.

22 Q And there was a change in how annexation impacts
23 fire service during that period.

24 Do you understand that?

25 A Yes.

1 Q What is that change?

2 A Well, I would say that there was clarification.
3 There was legislation for quite sometime about
4 fire districts and annexation. There was a date
5 that was changed; and then there was some
6 language added that had to do with the size of a
7 fire district and, essentially, how fire
8 protection is provided before and after
9 annexation.

10 Q You understand when the city started its
11 annexation in 2017, there was an assumption that
12 the city would take over fire protection to the
13 areas that it annexed; correct?

14 A I think assumption would be a fair way to
15 describe it, yeah.

16 Q And then since that time, the legislation
17 provides that the city will not take over fire
18 protection service --

19 A Correct.

20 Q -- in the fire -- with respect to your
21 particular fire district.

22 A Correct.

23 Q Did you run any numbers or do any study after
24 2020 when the city reinitiated the annexation
25 effort?

1 A No.

2 Q Did you go back and update your numbers or
3 analysis from 2017?

4 A No.

5 Q Aside from the -- I want to make sure I'm clear.
6 Aside from the financial impact, have you had
7 any other discussions about the impacts on
8 firefighting operations as a result of the
9 city's annexations?

10 A Yeah. I -- I believe -- in both conversations,
11 was asked about how the services compared.

12 Q And what was your answer to how services
13 compared?

14 A I think that it's difficult to answer, and the
15 reason I say that is because the city and the
16 fire district provide different services. If
17 you are looking solely at fire protection, they
18 are very similar. If you look at emergency
19 medical services, they're very different.

20 The fire district provides a lot more
21 services, from an emergency medical standpoint,
22 than the City of Bloomington. If you look at
23 technical rescue services -- things such as
24 confine space, hazardous material, rope rescue,
25 extrication, et cetera -- the fire district also

1 provides more services, but I think that would
2 be expected based on the geographic area that we
3 cover. We have to be prepared for a lot more
4 types of emergencies, if you will.

5 Q Is that because there's more rural area in your
6 district?

7 A We have quarries. We have different types of
8 industry. We cover Lake Monroe, Indiana's
9 largest body of water. There are just things
10 that we need to be prepared for.

11 It's difficult to compare fire departments
12 as apples to apples because we all have
13 geographic areas that we're responsible for, and
14 that's the important part.

15 Fire, you know, you can look at fire
16 suppression; it's the same across the country.
17 You know, the intent is to get there as quickly
18 as possible, put fires out, and save people and
19 their property; right?

20 Q You cover a larger geographic area, currently,
21 than the city covers?

22 A Correct.

23 Q And that area is generally more rural, would you
24 agree?

25 A I would say more suburban. At one point in

1 time, there were a lot of farms, rural areas,
2 but the amount of subdivisions and neighbors
3 that have went up is pretty incredible over the
4 last 15, 20 years.

5 Q I want to jump back before we get too far along.
6 You also mentioned the impact on income tax.
7 Have you done any numbers -- looking at the --
8 any analysis or data looking at income tax
9 impact?

10 A No.

11 Q As a result of annexation?

12 A I have not.

13 Q What do you believe the impact to be?

14 A I don't know without knowing what the city's
15 levy would be, it would be impossible for me to
16 calculate that.

17 Q Any reason to believe whatever the impact is
18 would interfere with your operations?

19 A Yeah. I think that any income you lose is income
20 that's going to impact you. Without knowing the
21 extent of it, I couldn't sit here and tell you
22 what that impact would be. But, you know, the
23 fire district is drastically growing, hiring
24 people, adding services, and we try to use every
25 dollar very wisely. So any dollar that would

1 impact us would definitely hinder our progress.

2 Q You expect you'll still be able to provide fire
3 protection service to Areas 1A and 1B adequately
4 after the city completes -- if the city
5 completes the annexations?

6 A Absolutely. I mean, that is our responsibility;
7 right?

8 Q Any other discussions about economic impacts as
9 a result of annexation?

10 A Not anything -- with regard to who, I guess?

11 Q With regard to Mr. Beggs.

12 A I don't believe so.

13 Q Are you aware of any other economic impacts that
14 you would anticipate testifying about at trial
15 relating to the annexations?

16 A I mean, potentially. I don't know what the
17 city's case is; I've not followed it. But if I
18 were to rewind all the way back to 2017, to the
19 very beginning, there was a report that had some
20 information in it that I would have to refresh
21 on.

22 Q Maybe the way I -- anything you, personally, are
23 aware of, not that somebody else has told you or
24 somebody else prepared but anything you're
25 personally aware of concerning economic

1 impacts --

2 A Can you explain that?

3 Q Well, have you done any other analysis of
4 economic impacts as a result of annexation?

5 A No.

6 Q You've specifically been identified as someone
7 that can testify as to the economic impacts of
8 annexation on Areas 1A and 1B. And so I'm
9 trying to make sure I understand --

10 A I understand.

11 Q -- what your testimony is going to be. So
12 anything else you are personally aware of, have
13 personal knowledge of concerning economic
14 impacts to Area 1A and 1B?

15 A I guess I need some further clarification. I
16 received a subpoena to the fire district as fire
17 chief. I have to be cognizant of the fact that
18 I am a fire chief and a person. Sometimes my
19 personal opinions in this line of work are not
20 necessarily applicable to my profession.

21 You're asking me to answer something from a
22 personal standpoint, and I don't understand.
23 How am I being represent here?

24 Q Let me break it down for you because it's a good
25 question.

1 A Okay.

2 Q As the fire chief, in a professional capacity,
3 are you aware of any other economic impacts as a
4 result of the annexations of Area 1A and 1B?

5 A Yeah. So, yes. Basically those centered around
6 the county. And the reason I'm familiar with
7 that is the county council reviews our budget on
8 an annual basis. We do, on occasion, ask for
9 additional funding. Things to support new
10 projects. For instance, the fire district is
11 going to start an ambulance service. ARPA funds
12 were used to purchase those ambulances.

13 If the county is impacted negatively and
14 the budget is tighter, it is more difficult on
15 the fire district to ask for additional funds to
16 create new services that provide protection to
17 all county residents. That ambulance service
18 will not just protect the fire district, it will
19 also protect the City of Bloomington. Those
20 types of things could be impacted.

21 Q I want to understand. Is your budget approved
22 by the county?

23 A Yeah. So we have what's called "Binding Review"
24 by the county council. We have our own tax
25 levy, our own fire district board that, you

1 know, essentially determines the lines, the
2 categories. But we go before the county council
3 for binding review.

4 Q Do they adopt your budget, the county council?

5 A They do.

6 Q Can they raise your budget?

7 A Yes.

8 Q Can they reduce it?

9 A They cannot reduce it lower than the previous
10 year that I'm aware of.

11 Q If you issue debt, does that have to be approved
12 by the county council?

13 A I don't know.

14 Q Have you had discussions with anybody at the
15 county recently about the financial impact of
16 annexation --

17 A No --

18 Q -- economic impacts?

19 A No. Sorry.

20 Q Thank you. Have you done any study or analysis
21 of the impact on the county's finances as a
22 result of annexation?

23 A Not individually, no.

24 Q You would be relying on something somebody else
25 did?

1 A Correct.

2 Q And I want to make sure I've exhausted --
3 besides the potential impact to the county, any
4 other economic impacts, as the fire chief, that
5 you are personally aware of?

6 A The only other impacts I would be aware of that
7 would have the potential to impact the fire
8 district would be townships that are not in the
9 fire district that contract with the fire
10 district.

11 Obviously, if their budgets were to be
12 impacted, it would affect the amount of money
13 available for contractual services.

14 Q Have you done any studies of --

15 A Not independent from the studies that we've
16 already talked about.

17 Q So that would be based off of --

18 A Correct.

19 Q Have you done any analysis of the studies that
20 other people have done whether or not that will
21 impact the contractual arrangements you have?

22 A Yeah. There was small impact. I don't remember
23 the dollar amount. And, again, I think all of
24 those financial reports are dated at this point.

25 Q Anything else as fire chief you're aware of in

1 term of economic impacts as a result of
2 annexation?

3 A Not -- not that comes to mind, no.

4 Q Let me ask you, personally. Let me split those
5 up.

6 Anything personally you are aware of in
7 your own personal capacity in terms of economic
8 impacts?

9 A Yeah. So, I mean, obviously when this initially
10 started, I went to a lot of city meetings about
11 annexation. I went to a lot of county meetings.
12 I was present at a lot of places. I heard from
13 people that provide trash services to township
14 trustees, to, just, the regular average citizen.

15 And, yeah, I mean, there were lots of
16 things that were discussed. I personally did
17 not conduct any financial studies. But, yeah, I
18 mean, I'm aware of a lot of things that would
19 change.

20 Q And I appreciate you answering because you knew
21 that was going to be my question.

22 A I'm trying.

23 Q You say you're aware of a lot of things that
24 would change.

25 What are those things?

1 A Well, for instance, I recall a couple of
2 individuals at a meeting who owned a trash
3 company, a private trash company. They were
4 pretty desperate for information because once
5 annexed, they would no longer be able to provide
6 services to that area. They seemed pretty
7 concerned. I mean, 1A and 1B have a sizeable
8 number of residents; so, obviously, I think they
9 had a pretty compelling point. Should they lose
10 that business, that's damaging.

11 Q Was that something you looked into yourself? Or
12 it's just something that they told you?

13 A I did. I did read in the report that the city
14 would assume the trash pickup services and
15 whatnot. Based on that, I assumed that that was
16 accurate.

17 Q I want to make sure I'm clear. Did you do
18 anything to study the finances of this trash
19 company?

20 A No.

21 Q Didn't look into it yourself; it's just
22 something they told you?

23 A Well, they didn't tell me. They told the group.

24 Q Okay. You heard them telling other people that?

25 A Correct.

1 Q Anything else? And I want to -- I do want to
2 clarify. I don't want to know what other people
3 have said and what you've heard other people
4 say. I really want to know what you,
5 personally, know.

6 Is there anything else you, personally, are
7 aware of -- economic impact -- that you didn't
8 hear from somebody else or wasn't a report that
9 somebody else prepared?

10 A Right now, I don't know.

11 Q If you think of any, will you let me know?

12 A I totally will.

13 Q Appreciate that. I'll tell you, you've also
14 been identified as someone who can testify about
15 the ways in which the city's fiscal plan fails
16 to properly account for the economic impacts of
17 annexation.

18 I want to ask you, have you studied the
19 city's fiscal plan?

20 A Can you explain to me more -- you said I was
21 "identified as"; what do you mean by that --
22 that category of testimony? Like, what would I
23 be expected to testify on?

24 Q That's why I'm asking you. I don't know. I
25 just know you've been identified in written

1 interrogatory responses --

2 A Okay.

3 Q -- from County Residents Against Annexation as
4 somebody who may testify that the city's fiscal
5 plan fails to properly account for the economic
6 impact of the annexation.

7 A Economic impact on who?

8 Q I'm asking -- I'm asking you. I'm trying to
9 understand from you what you would testify about
10 as to the economic impact of the annexation.

11 So let me ask you this: Have you studied
12 the city's fiscal plan?

13 A And the fiscal plan was the plan presented in
14 2017. Is that what you're referring to?

15 Q Good question. Let me ask you more recently.
16 Have you studied the fiscal plan that was
17 adopted in 2021?

18 A That is the plan that was updated that does not
19 include the annexation of fire protection?

20 Q Correct.

21 A Yes.

22 Q Do you know what version it was that you
23 studied?

24 A No, it's been a while.

25 Q Have you study other annexation fiscal plans?

1 MR. BEGGS: Object to the form.

2 Clarification, do you mean --

3 Q I'm sorry. Let me reask the question. I'll
4 reask the question.

5 Have you studied other annexation fiscal
6 plans relating to annexations around the state,
7 not relating to Bloomington?

8 A Yes.

9 Q Which ones?

10 A I have frequently looked at annexations in
11 relation to fire departments. I couldn't tell
12 you specifically which ones. One that does come
13 to mind was related to the Fort Wayne area.

14 Off and on, I've looked at a lot of places.
15 White River Township Fire District is a close
16 partner of ours, and for years I've had
17 discussions with Chief Pell about the impact of
18 annexation on their fire district and how we're,
19 essentially, the same now.

20 Q Essentially the same in what way?

21 A White River Township has not been impacted by
22 annexation by Greenwood. They had -- when I
23 mentioned earlier that there was legislation in
24 place that protected some fire districts from
25 annexation, White River Township was one of

1 them.

2 Q They're large enough that, if they're annexed by
3 Greenwood, they don't lose their fire territory?

4 A I don't know if it's related to size. White
5 River has always had that protection. It had to
6 do with establishment date in the '80s.

7 Q So the fiscal plans you studied, who prepared
8 those fiscal plans?

9 A I don't know. To clarify, I don't have packets
10 of fiscal plans. It's just things I've read and
11 searched online. Some of them may have been
12 towns or cities. Somethings may have been on
13 fire departments' websites. We're talking about
14 a variety of --

15 Q So when I use -- and I apologize. When I use
16 the phrase "fiscal plans," I'm talking about a
17 specific document that's prepared by a
18 municipality as a part of an annexation process.
19 Have you studied --

20 A No.

21 Q Okay. So I'm clear, sorry. I'm going to finish
22 my question.

23 A Understood.

24 Q Have you studied other annexation fiscal plans,
25 specifically?

1 A I have not.

2 Q Have you reviewed them?

3 A Perhaps portions. That would have been included
4 in the areas I referenced.

5 Q Do you remember who prepared them?

6 A No.

7 Q Do you remember what specific annexations they
8 were related to?

9 A Yes. The only one I can specifically recall was
10 an annexation -- I believe it was Fort Wayne
11 into the Southwest Fire District.

12 Q What were you studying with respect to that
13 annexation?

14 A So this was prior to any of this relationship,
15 if you will, the 2017 annexation attempt.
16 Southwest Fire District was a fire district like
17 White River Township that did not get annexed.
18 And it was my understanding that Southwest did
19 not provide the services to the areas that were
20 annexed like they should have. And that made me
21 interested because I wasn't sure why or what the
22 impact was: how large of an area? How many
23 people?

24 I mean, I was looking at it from a fire
25 department standpoint. Who was providing

1 protection to people when someone ceased to do
2 that?

3 In doing so, I read things about the Fort
4 Wayne annexation and how they had not accounted
5 for providing the protection because Southwest
6 was supposed to be doing that; and Southwest,
7 essentially, didn't realize they were supposed
8 to do it, I guess. So they didn't.

9 Q That was before the city started considering its
10 annexations? Or was that as a part of -- did
11 you review that after the city started
12 considering?

13 A I was aware of it before; and then, actually,
14 the timing of it, there were things going on
15 around the same time.

16 Q Any other annexation fiscal plans -- or
17 annexations you've studied?

18 A No.

19 Q Do you have any information to suggest that the
20 2021 fiscal plan failed to properly account for
21 the economic impact of annexation?

22 A I'm still confused by that question because the
23 fiscal plan would be accounting for the city
24 providing services, not the impact to other
25 agencies. So, I guess, what are you asking?

1 Q Let me ask you this: are you aware of any
2 deficiencies in the city's fiscal plan?

3 A I know that I had concerns about the placement
4 of fire stations and the amount that was being
5 budgeted for that. I know that at the time, I
6 was specifically observant of this, really, to
7 ensure that the city had taken into account
8 double taxation since the fire district would be
9 providing services to that area.

10 Q And I want to make sure I'm -- when you say you
11 had concerns about the placement of fire
12 stations, was that in 2017?

13 Was that based off of the 2017 fiscal plan
14 or the 2021 fiscal plan?

15 A I don't recall. I believe the 2021 but I would
16 have to look at the two to make sure.

17 Q So if the city completes the annexations of Area
18 1A and 1B, what are your concerns about
19 placement of fire stations?

20 A I see the city significantly needing a fire
21 station on the southeast side, and I do not
22 recall that being addressed and I do not know
23 how Areas 1A or B's annexation would assist with
24 doing that.

25 Q So I want to make sure I'm clear here. You

1 understand the fire protection district will
2 continue to provide fire protection service to
3 the entirety of Area 1B?

4 A Absolutely.

5 Q Do you believe the city needs a fire station, a
6 new fire station, still as a result of
7 annexation for Area 1B?

8 A No. I know that they need a fire station now.

9 Q Okay. You believe they need a fire station
10 currently for current city residents?

11 A Correct.

12 Q Irrespective of annexation?

13 A Correct. But I was looking at the report to see
14 what they were going to do, fire station-wise,
15 should annexation go through.

16 Q I want to make sure I -- when we talk about --
17 when you say "report," you're talking about the
18 fiscal plan?

19 A Correct.

20 Q Are there other existing reports that say the
21 city needs a fire station on the southeast side?

22 A I'm not sure that there's one that discusses
23 placement of a fire station, but there is a
24 report that discusses the need for additional
25 apparatus and personnel.

1 Q Do you know what the name of that report is?

2 A I do not know what the name of the report is,
3 but it was created by the International
4 Association of Firefighters; Bloomington's Local
5 586. I don't believe the local did it. I
6 believe that the international completed the
7 study.

8 Q Have you done any studies specifically of
9 Bloomington Fire Department's needs, currently,
10 within the city boundaries irrespective of
11 annexation?

12 A I, personally, have not conducted studies.

13 Q Do you have personal knowledge of a need for a
14 new fire statement, currently, beyond what
15 you've read somewhere else or heard from
16 somebody else?

17 A Yes.

18 Q Explain that.

19 A By nature, that is something that a
20 firefighter -- specifically a fire chief --
21 looks at. And if I were to produce a map of the
22 city and show you where those fire stations are
23 located now and show you where there has been
24 development and growth, I could show you where
25 there would be a future need for a firehouse.

1 And that future need is really no longer the
2 future. It's there now.

3 Q Does the fire district have a need for any
4 additional station currently?

5 A We are building one in Washington Township. And
6 after that is completed, we will be renovating
7 or slightly relocating the headquarter station,
8 which is 54 plus years old.

9 Q Are there any other needs currently where you
10 think you need an additional fire station in the
11 district?

12 A As of right now, no. But we will, obviously, be
13 monitoring population growth and where
14 developments happen.

15 The comprehensive plan for Monroe County
16 established a couple of areas to allow future
17 growth in rural Monroe County. Two of those
18 three areas are in the fire district, and when
19 that growth begins to occur, we will be looking
20 at adding firehouses or increasing staffing to
21 the areas that currently serve them -- service
22 those.

23 Q Where are those areas?

24 A Sanders and Harrisburg. They are much farther
25 south than the annexation area.

1 Q Aside from your concern over the need for a fire
2 station, currently, any other concerns or
3 deficiencies you believe were in the fiscal
4 plan?

5 A No.

6 Q I just want to make sure because of the way the
7 answer was worded for us. Any other --

8 A It was windy, wasn't it?

9 Q Yeah. Any other ways in which you believe the
10 fiscal plan fails to account for the economic
11 impact of annexation?

12 A No. My only focus was on fire protection.

13 Q Are you personally opposed to the city's
14 annexations of Areas 1A and 1B?

15 A Yes.

16 Q Why?

17 A I'm very familiar with those areas based on my
18 profession. And I would have a difficult time
19 being sold on what services would be received
20 additionally. And that's no disrespect to the
21 City of Bloomington. I just see a lot of good
22 things already happening there and people seem
23 to be happy.

24 Q What do you mean by "good things happening
25 there"?

1 A They have good water. They have good trash
2 services. They have sidewalks. They have
3 streetlights. They have good fire protection.
4 They have good law enforcement.

5 The only thing they lack -- the city also
6 lacks -- and that's emergency medical services,
7 ambulance-wise.

8 Q Is it fair to say you campaigned against the
9 city's annexations in 2017?

10 A I wouldn't -- I don't know exactly what the
11 definition of campaign is, but I clearly was
12 opposed to the annexation.

13 Q You spoke out against it.

14 A Absolutely.

15 Q Met with groups that were opposed to it.

16 A I met with all groups. So I wouldn't
17 specifically say I only met with groups that
18 were opposed to it. Anyone that extend an
19 invitation for me to attend the meeting, I did
20 my best to attend.

21 But you have to understand the dynamics of
22 that time and the -- I'm not sure if you were
23 involved in 2017 or not, but it was very
24 difficult as a public safety provider to have
25 conversations and be involved in conversations

1 about things like we're discussing today. And
2 for that reason alone, it was really hard to
3 support this.

4 Q And in 2017, when this -- as it was proposed at
5 that time and the city was going to takeover
6 fire protection service, that was going to have
7 a significant impact to your department?

8 A It was.

9 Q It would have a significant impact on your job,
10 probably, wouldn't it?

11 A Probably not me, no.

12 Q It was going to impact probably -- it was going
13 to impact your service area significantly.

14 A Yeah.

15 Q You were going to lose a lot of assessed value?

16 A 44 percent, yeah.

17 Q It was 44 percent of your assessed value?

18 A Correct.

19 Q You were going to have to cut firefighters?

20 A I don't necessarily think that the fire district
21 was going to have to cut firefighters.

22 Q With a 44 percent decrease, you would not have
23 to cut firefighters you thought?

24 A Well, so I think we could clearly document the
25 need for our fire services. A lot of call

1 volume was not occurring in the areas that were
2 annexed. It would have been very difficult
3 to -- well, it would have been illogical to
4 reduce the force based on an area being annexed
5 that left the need still existing outside of.

6 I think that should the annexation have
7 went through and we had the meetings that we
8 would have to have with our people, they would
9 have, probably, opted to keep those services,
10 which would have meant they were receiving the
11 same services and paying approximately 44
12 percent more for them.

13 Q You said receiving the same services. You mean
14 in 2017, you were going to continue to provide
15 fire protection service after the city annexed?

16 A No. What I'm saying is should the city have
17 annexed and taken over fire protection, those
18 who remained in the fire district would have
19 either chosen to cut back on their fire
20 protection or maintained the same services,
21 which would have increased the cost of that.

22 Q You mean the property owners would have chosen
23 whether to maintain fire protection or increase
24 fire protection? I'm not sure I'm following
25 your answer there.

1 A So I'm trying to paint a picture. If you're in
2 the fire district and let's just say that Areas
3 1A and 1B make up 44 percent. There are
4 56 percent of the people who once made that fire
5 district still existing in the fire district,
6 but they must fund the fire department with
7 44 percent less assessed value or pay 44 percent
8 more to maintain the same services.

9 Q Thank you. I'm understanding you. You're
10 talking about the people that are outside of the
11 annexation areas.

12 A That would still be impacted.

13 Q That would still be in the fire district.

14 A Correct.

15 Q But because of the change in the law and the
16 city is not taking -- that's no longer the case;
17 right?

18 A Correct.

19 Q You sent out mailers opposed to the annexation;
20 right?

21 A I don't believe so.

22 Q Did you draft letters in opposition to the
23 annexation?

24 A Not that I recall.

25 Q Did you draft letters outlining the financial

1 impact of annexation?

2 A I don't remember.

3 THE WITNESS: Can I fill my water up while
4 you're looking?

5 MR. UNGER: Yeah. Let's go off the record.
6 Take a short break.

7 (Off the record.)

8 (Deposition Exhibit 73 marked for
9 identification.)

10 BY MR. UNGER

11 Q The court reporter has handed to you what's been
12 marked as Exhibit 73. You see that?

13 A I do.

14 Q Are you familiar with this? Do you recognize
15 it?

16 A Probably need to read it. Yeah, I definitely --
17 this is a format of something that I would have
18 created.

19 Q This was created in 2017. Does that sound
20 accurate?

21 A I don't recall. It most likely would have been
22 2017 or 2018.

23 Q Did you prepare it?

24 A I, obviously, don't see my name on it anywhere,
25 but based on the font and the charts, I believe

1 so.

2 Q Did you distribute it to people?

3 A I don't recall.

4 Q Do you recall mailing it out at all?

5 A I don't.

6 Q You can set that aside.

7 A Hey, there's the 44 percent. Can I keep that?

8 MR. UNGER: The court reporter is going to
9 keep it. I have another one here, Bill, but I
10 don't have a copy of it. I wasn't expecting?

11 MR. BEGGS: Can we get a copy please?

12 MR. UNGER: Want to make a copy?

13 MR. BEGGS: If you don't mind.

14 MR. UNGER: Let's take a break for a
15 second.

16 (Off the record.)

17 BY MR. UNGER

18 Q Chief, we have taken a short break. Since we've
19 taken a break, looking at Exhibit 73, do you
20 maybe now remember the circumstances that you
21 would have prepared this?

22 A Yeah, and I can't say it with certainty, but I
23 think I prepared this for a meeting that was
24 held at Batchelor Middle School.

25 I can't remember who hosted the meeting or

1 how the meeting came about, but there was an
2 auditorium full and I know that there was
3 information shared about the county. I think it
4 was probably the county's fiscal report, and
5 they're -- the county council is always adamant
6 that, when we went through mergers with the fire
7 district and whatever, that I show the impact on
8 different varying levels of the household. So,
9 you know, \$100,000; \$250,000 house. Based on
10 that, I believe, that's probably what this was
11 prepared for.

12 Q Do you recall ever distributing it otherwise?

13 A I really don't.

14 Q Do you recall doing mailers ever?

15 A I don't.

16 Q On the first page, on the table showing increase
17 due to annexation, did you pull that from
18 something else? Where did you get that data
19 from?

20 A That information would have been from the math I
21 did obtaining the 44 percent. So the areas that
22 were being annexed, being removed from the fire
23 district's total assessed value was 44 percent.

24 So in this you document, I'm applying a 44
25 percent increase to the property tax rate that

1 folks that were in the district and would be
2 remaining in the district would pay to keep the
3 same services.

4 Q Let me make sure I'm understanding. That's
5 intended to be an estimated increase of simply
6 shifting 44 percent across the remainder of the
7 assessed value --

8 A Correct.

9 Q -- that would have been left in the district at
10 that time?

11 A Yes.

12 Q Okay. I understand. Thank you. Do you recall
13 doing any other reports similar to this in
14 opposition of the annexation?

15 A I don't recall, but I would say it's completely
16 possible.

17 Q What about since 2021?

18 A I don't think so. I mean, I've been a lot less
19 involved, if you will, after the clarification
20 of the law that protected the fire district.

21 Q You were less concerned about annexation once
22 that change occurred?

23 A Absolutely.

24 Q Makes sense. Do you own any property in any of
25 the annexation areas?

1 A No.

2 Q Any of your family own any property in
3 annexation areas?

4 A No. Thank you.

5 Q So I assume you didn't sign a remonstrance
6 petition?

7 A No.

8 Q Did you help collect remonstrance petition at
9 all?

10 A No. There was -- I did not help. We did not
11 help, but there was a time when the fire station
12 was used to collect. So someone would be there.
13 They would tell people they were going to be
14 there, and people would come sign them. That
15 wasn't -- that was just people using the public
16 building.

17 Q Who coordinated that?

18 A I don't remember.

19 Q Was it County Residents Against Annexation, do
20 you recall?

21 A I don't.

22 Q You understand what I'm talking about when I say
23 County Residents Against Annexation?

24 A Yes.

25 Q Did you have somebody you would deal with

1 when -- I'm sorry, go ahead.

2 A I take that back. Outside of 1A and 1B, my
3 family did have property in an annexation area.
4 It was one of the islands. I think the top left
5 one, Number 3, I think that says.

6 Q Were they opposed to annexation?

7 A Yes.

8 Q Did they sign remonstrances petitions?

9 A I believe so.

10 Q Have you donated, personally, to County
11 Residents Against Annexation?

12 A I don't think so.

13 Q Are there any other ways you assisted County
14 Residents Against Annexation?

15 A I don't think I've done a whole lot other than
16 the conversations we had those couple of times.
17 I have been rather busy at the fire district.

18 Q Just for the record, what's the coverage area,
19 your territory, for the fire district currently?

20 A 317 square miles. 77 percent of Monroe County
21 geographically.

22 Q What all townships does that include?

23 A Perry-Clear Creek, Indian Creek, Van Buren,
24 Bloomington, Benton, Washington. And then we
25 contract with Salt Creek and Polk Township.

1 We're actually presenting within the next month
2 or two to Beanblossom Township, who is
3 interested in joining.

4 Q How many fire stations or firehouses do you
5 currently have?

6 A We have seven standalone fire stations with an
7 eighth to be completed by the end of this year.
8 And then we dual staff a fire station on South
9 Curry Pike with Ellettsville Fire Department.

10 Q Can you explain the dual staffing?

11 A Two firefighters are Ellettsville firefighters,
12 and two firefighters are Monroe Fire Protection
13 District firefighters.

14 Q Who owns the station?

15 A I assume the town of Ellettsville, but it may be
16 Richland Township.

17 Q Who owns the apparatus of that station?

18 A They own the engine. We own the squad.

19 Q Maybe if you could, could you briefly review for
20 me the apparatus that the district owns
21 currently for its entire territory?

22 A So every station has at least one fire engine.
23 Most stations also have a tender, which is
24 formally known as a tanker. It hauls water.

25 All our tankers are dual rated. So they

1 are pumper tankers, which means they can fight
2 fire; they are not just hauling water. Each
3 station has a brush truck, which fights wildland
4 fires.

5 Some stations have rescues. Those rescues
6 have firefighting capability, but they also
7 perform additional rescue functions, extrication
8 from automobile accidents, specialized
9 equipment. Like I said earlier, we are getting
10 ready to start a transport ambulance service.

11 We have an ARFF truck -- aircraft, rescue,
12 firefighting -- which is centered around the
13 Monroe County Airport. I think that's it.

14 Q How many firefighters currently?

15 A Roster is around 140. 80-some of those are
16 career full-time firefighters. Some of those
17 are chief officers, and probably 15 to 20 are
18 volunteers. The remainder are PRN or part time.

19 Q So you guys still have a partial volunteer,
20 partial --

21 A Correct.

22 Q Do you staff different areas in the county
23 differently? Some volunteers more in some
24 areas, full-time in others?

25 A So the volunteers traditionally are assigned to

1 a home station, which is near their home.
2 Obviously, we don't want them driving completely
3 across Monroe County to respond to a call, but
4 they don't staff the stations. The stations are
5 staffed with paid folks whether they are full
6 time or part time.

7 The staffing's based to meet the minimum
8 standards for a structure fire. And while we
9 will never not have volunteers, we also want to
10 make sure we meet the minimums should they not
11 be able to respond.

12 Q Is the minimum, is it, like, three? Three
13 firefighters per apparatus for the apparatus to
14 roll? Or something like that?

15 A So there's a couple of different standards. The
16 standards that we focus on are fire scene --
17 what's the word -- assembly; within so many
18 minutes of a structure fire, you'll have so many
19 people there. And that number we target is 15
20 plus.

21 Q Isn't there a number, like, for a -- I'll hear
22 departments sometimes say for an apparatus to
23 roll, they need at least three people?

24 A It depends. I think they're probably referring
25 to 1410 or 1420. 1410 is like an urban city

1 fire department. 1420 would be like a rural
2 combination volunteer department. We've always
3 tried to kind of fit in between 'cause we kind
4 of are in between.

5 Q So is there a certain number that you are
6 required to have on an apparatus for it to roll
7 out of a department?

8 A Yeah. So we will send a minimum of three on our
9 engine company's, and if it is a two-man
10 station, we will send -- I mean, obviously,
11 they're still going to take a fire truck, but we
12 consider them basically, like, a tanker company,
13 a water supply company. And our battalion
14 chiefs ensure that we deploy the correct
15 stations and whatnot.

16 Dispatch initially sends the dispatch, and
17 then our folks, our battalions, will monitor
18 that to make sure the right amount of personnel
19 and equipment are responding.

20 Q And I'm just trying to use that -- that three
21 per engine. Is that a 1410 or is that a 1420
22 number?

23 A 1410, I believe, would be four on an engine,
24 three on a ladder. I would have to -- don't
25 take that to the bank, but I believe off the top

1 of my mind, that's what it says.

2 Q What would a 1420 be?

3 A The focus is more on the assembly stuff because
4 a lot of those departments that rely on that are
5 completely volunteer staffed. So they want to
6 assemble so many firefighters on a scene within
7 a certain amount of time.

8 Q Okay. I understand.

9 A They may be responding from their homes in a
10 car. You know, you may be bringing the fire
11 truck; the rest of us need to be there within a
12 certain amount of time.

13 Q So like in a 1420, you would run an engine with
14 maybe one person?

15 A Maybe one, two, three people. And then you're
16 getting the rest of your numbers --

17 Q Okay. Okay.

18 A Yeah.

19 Q That makes sense. So you said you have 140
20 roster firefighters. What's that? And then you
21 said 80 -- my notes are --

22 A They maintain the roster for, obviously, contact
23 information, insurance reasons. Again, that
24 roster includes full-time career, part time.
25 Part-time firefighters could be people that pick

1 up shifts with us; maybe they're career
2 firefighters somewhere else and they work part
3 time here to fill a shift.

4 So what we're doing is the fire district
5 merge is -- we're hiring 20 full-time
6 individuals this year. Those 20 people,
7 technically, exist now in the form of full-time
8 equivalence. So they are being filled with
9 full-timers and part-timers. And then as that
10 transitions and those 20 are hired, the
11 part-timers will start to augment the smaller
12 stations. So if there's a station that has
13 three, we'll shift one of them there to be four.
14 And over time, through attrition, we will hire
15 additional full-time firefighters.

16 Q Are you hiring the 20 more because of growth?

17 A Uh-huh.

18 Q What was the impetus for hiring the 20 more?

19 Maybe that's the --

20 A Yeah. So I guess if you go back to that
21 document there about the 44 percent growth, at
22 the time, the fire district was struggling to
23 meet national standards. Most fire departments
24 do.

25 As we started to merge -- initially, with

1 Indian Creek in 2016 -- a lot of that came to
2 the forefront because when people came, they
3 said, "Hey, we want to merge." We said, "Okay.
4 What does the fire service truly look like?"

5 Everything outside of the City of
6 Bloomington looked like what was the standard in
7 1970 because that's where it was established.
8 When we started merging in 2016, we started
9 making sure that we met the minimums for the
10 current standards. We didn't do that over
11 night. We're phasing it in, but that's where
12 we're going with it.

13 Q Do you have, like, a budgeted number? Like, you
14 know, municipalities will have to adopt a salary
15 ordinance, for example, and often will have a
16 budgeted number. Do you guys do the same thing?

17 A We do, yes.

18 Q Do you have a budgeted number of full-time
19 officers?

20 A Yeah, off the top of my head, I can't tell you
21 what the numbers break down to; but there is a
22 number for career firefighters in two different
23 categories because we currently have two
24 different pensions that will, again, work its
25 way out. There's a budget line for chief

1 officers. There's a budget line for full-time
2 equivalent part-timers. And then there's a
3 budget line for volunteers.

4 Q Do you know are you fully staffed at that budget
5 item -- at your current budget?

6 A Budget-wise, we're fully staffed. We need these
7 20 hired to implement the plan.

8 Q Will you need to hire more after these 20 to get
9 to the standard?

10 A There will be six additional next year. Not
11 necessarily to get to the standard. We're doing
12 that right now with the full-time equivalents.
13 What we're trying to do is over time, replace
14 full-time equivalents with full-time employees.
15 So basically we're hiring full-time individuals
16 to take on a single spot that multiple people
17 are currently filling.

18 Q Did you have to increase your budgeted number of
19 officers to hire those additional 20 -- or I say
20 officers, sorry -- firefighters?

21 A Yes.

22 Q Do you remember about was -- so it's just a 20
23 increase?

24 A Yeah. In a five-year plan, there were six
25 firefighters a year with one or two years being

1 eight fighters.

2 Q Is next year the last year of that?

3 A I think it is. So it might actually be eight
4 firefighters not six.

5 Q Was there a reason you were doing 20 all at once
6 now?

7 A Yes. So we had six firefighters last year; we
8 had exhausted our hiring list. So we did not
9 get those filled. In January -- actually, in
10 December, we started the new hiring process. So
11 we had those six from last year, the six from
12 this year, and then there's a couple of retirees
13 and firefighters who moved to other departments.

14 Q That you're going to have to fill --

15 A Correct.

16 Q Okay.

17 A So in theory, of the 20, this year, 12 of them
18 are new positions.

19 Q Okay. 'Cause 20 seemed like a big jump.

20 A Like I said, we've been busy.

21 Q Are they all, right now, already going through
22 the --

23 A So the process is completed. 10 of them start
24 April 1st. 10 of them will start in July.

25 Q I want to ask you a little bit about the

1 evolution of the Fire Protection District.

2 When was it originally created and what
3 townships were members?

4 A Fire district was created in the late '80s. I
5 couldn't tell you the date off the top of my
6 head, but it was in the late '80s. I believe it
7 was '87 or '86. It was right around the time I
8 was born. And it was just Perry and Clear Creek
9 Townships.

10 In 2000 -- well, there were off and on
11 conversations about townships joining and us all
12 being together, if you will, throughout the
13 entire time I've been in the fire service.

14 There was a fire district board that had
15 approached some townships about joining the fire
16 district or creating a fire territory, and that
17 kind of just was discussions for a few years.

18 In 2016, Indian Creek Township's trustee
19 just showed up at a board meeting and said "I've
20 got four years, if you will, as trustee. I
21 would like more security for the township beyond
22 the trustee changing every four years and
23 redoing the fire department."

24 Q Was it a volunteer fire department at that time?

25 A They were. I think they had a paid part-timer,

1 Monday through Friday, and that was it.

2 So they came to the meetings, we figured
3 out the process, and we started the process of
4 them joining the district. By the time the
5 process was figured out and that worked out, the
6 soonest they could join was January 1, 2019.
7 And they joined. In that time, Van Buren --

8 Q Before you go to Van Buren, just quickly --

9 A Yes.

10 Q -- briefly, what's the process of adding a
11 township to the district?

12 A So basically we have petitioned the area that is
13 wanting to be added just to see if they are
14 interested. The statute lays out the number
15 20 percent. If 20 percent of those individuals
16 respond in support of joining, they are -- at
17 that point in time, there's more of a financial
18 commitment.

19 We do these fiscal plans. Those are
20 presented at a minimum of three public hearings.
21 There's a remonstrations period, and then the
22 commissioners make a decision on whether or not
23 the township joins.

24 Q The county commissioners decide?

25 A Correct.

1 Q So then before I interrupted you, you were in
2 the process of Van Buren township --

3 A Van Buren is one of the townships -- and this
4 predates me as fire chief -- but they are one of
5 the townships that I would say around 2010,
6 2012, had had conversations with some of the
7 board members at the time about options.

8 They ended up looking at potentially
9 joining the district or joining the territory
10 that was established in the north. But they
11 ended up not participating in either at that
12 time, and the other townships went ahead and
13 created the northern Monroe fire territory in
14 the northern portion of the county.

15 Q So Van Buren Township joined as of?

16 A They ended up joining, officially, was January
17 1, 2021, but the process started '16, '17.

18 Q What about Bloomington Township?

19 A Same time. Yeah, Bloomington Township was at
20 the same time. Kind of completely unrelated
21 reasons. If you look up the Northern Monroe
22 Fire Territory, it was originally going to be
23 Benton, Washington, and Bloomington Townships.
24 There was some uproar over a fire station that
25 was being built. It's actually the fire station

1 that we're building now in Washington Township.

2 And in the election, two of the township
3 board members were replaced in Washington
4 Township and they withdrew from the territory.
5 So all of that kind of happened as Van Buren was
6 joining and Bloomington Township kind of
7 piggybacked on the process that was already
8 underway.

9 Q The northern one that you're talking about, was
10 that the Northern Monroe Fire Territory?

11 A Correct.

12 Q And that was a fire territory, not a fire
13 district?

14 A Correct.

15 Q How did Van Buren Township provide fire
16 protection before that? Were they a volunteer
17 department?

18 A They had a township department, they had two
19 stations, and they had two individuals staffed
20 at the southern station and two or three staffed
21 at the airport station. They were a combination
22 department -- very similar to the fire district.
23 They were just township ran, if you will. But,
24 yeah, they had volunteers as well.

25 Q What about the Bloomington Township?

1 A They were the same prior to the territory. When
2 the territory was created, they hired some
3 people, they increased the staffing. They
4 continued to be a combination department.

5 Q When they withdrew from the territory --

6 A Well, they didn't withdraw. Washington Township
7 withdrew and left Bloomington Township alone.

8 Q Did they have -- after Washington Township
9 withdrew and they were left alone, did
10 Bloomington Township have a station?

11 A Yeah. They still had a station. Bloomington
12 Township had serviced Washington Township via
13 contract for years. They joined together. They
14 were in the process of building a fire station
15 in Washington Township, and Washington Township
16 withdrew.

17 When they withdrew, Washington Township
18 immediately came to the fire district to see
19 about joining, but they couldn't join because
20 they weren't contiguous at the time. They had
21 to wait until Bloomington Township joined.

22 Q When Bloomington and Van Buren Township, when
23 you were discussing them joining the district,
24 was one of the reasons that was discussed to
25 protect those areas from the city's -- in the

1 event the city annexed, they would lose the
2 territory?

3 A No. At that time it was under the assumption
4 that the territory was going to be lost anyway.
5 Van Buren, like I said, talked earlier -- you
6 have to understand that the township fire
7 departments were struggling because,
8 individually, it's difficult for them to stand
9 alone. That's a statewide problem. The
10 solution is territory or district.

11 So those conversations were happening well
12 before the territory -- the district
13 jurisdiction and stuff. They were joining prior
14 to the legislation in 2019, if that's what
15 you're asking.

16 Q Well, what I'm asking is was annexation a part
17 of the discussion for one of the reasons they
18 wanted to join?

19 A It became a part of it, yes.

20 Q Because they understood it --

21 A They were already hurting for money. The
22 conversation was already happening, but then
23 when they looked at -- and I don't know what
24 their number was, but I know Van Buren's was
25 higher than 44 percent; it only made it more

1 rational.

2 Q To join the fire district?

3 A Correct. I mean, the larger you are, the more
4 you can absorb a hit, right.

5 Q After the law changed -- because the law changed
6 prior to them becoming a part of the district?

7 A It did. It took -- I don't know exactly what
8 date it took place, but the motion for them to
9 join January 1 of 2021 was already in movement.

10 Q When did the commissioners approve that?

11 A I don't recall that.

12 Q But it was recognized --

13 A It would have been in '19 probably. Typical the
14 effective date is a year plus one day.

15 Q Would you say that the level of service provided
16 to Perry-Clear Creek, and Indian Creek changed
17 as a result of the merger with Bloomington and
18 Van Buren?

19 A Absolutely.

20 Q How?

21 A Positively. Every time we've merged, we have
22 been able to get a little bit closer to meeting
23 the standard. With the last merger with
24 Washington and Benton Township, we were able to
25 secure enough full-time positions to -- again,

1 as I mentioned earlier -- eventually do that
2 when the roll out is complete.

3 Q When a merger occurs, that provides an
4 opportunity for the district to reset its max
5 levy; is that correct?

6 A That's correct.

7 Q When the mergers occurred in 2021, did you
8 increase your max levy as a result?

9 A Yes.

10 Q That's a significant benefit actually to
11 merging, isn't it?

12 A Yeah. That's been the difficult part. And
13 there are some more legislative tools out there
14 now for fire districts and territories to
15 increase that maximum levy based on population
16 growth, but for a township fire department,
17 their hands are tied.

18 Q Because of the max levy?

19 A Correct.

20 Q And therefore, as a result of that, are you able
21 to buy more equipment?

22 A Hire more people. Yep.

23 Q Grow your department?

24 A Yep.

25 Q Do you recall what the total budget was for the

1 department before the 2021 merger?

2 A It was under 4 million. I don't know how much,
3 but it was 3-something.

4 Q 3.7. Does that sound about right if I looked it
5 up?

6 A You got it.

7 Q Do you recall, then, after the merger what you
8 set your budget at?

9 A The Indian Creek merger or the
10 Van Buren/Bloomington Township? You're talking
11 about the 2021 merger?

12 Q Correct, yeah.

13 A Probably between 10 and 12.

14 Q About 11.9. Does that sound accurate?

15 A That's higher than I thought it was but, yeah.

16 Q What is the 2024 certified budget for the
17 department?

18 A I believe with the cumulative fund, it's in the
19 area of 16 million.

20 Q That's about what I -- I think that was the
21 number I came up with is --

22 A Was the 11.9 with cumulative fund?

23 Q I don't recall. I would have to go back and
24 look.

25 Did the fire district increase the pay of

1 full-time firefighters as a result of the merger
2 in 2021?

3 A In 2021; correct, yes.

4 Q How much, do you know?

5 A It depended. I think for Perry-Clear Creek, it
6 was around \$6,000. I don't remember what
7 Van Buren firefighters were being paid, but it
8 was quite a bit lower than Bloomington Township,
9 and Perry. I think they were in the 40s. So
10 they would have seen about a 10,000 plus
11 increase.

12 Q You were able to do that because you were able
13 reset your levy?

14 A Correct.

15 Q You wouldn't have been able to do that, that big
16 of an increase, without the merger and being
17 able to reset your levy?

18 A Yes, absolutely.

19 Q You understand there was a tax impact to
20 property owners, then, as a result of the merger
21 and the resetting of the levy?

22 A Oh, yeah.

23 Q Do you think that was an acceptable increase as
24 a result of the services they were going to be
25 provided?

1 A Well, in all of the processes, there were over
2 15 public meetings and, I think, three
3 remonstrations were submitted.

4 Q And my question was do you think that was an
5 acceptable increase as a --

6 A Oh, yes.

7 Q -- result of those services?

8 A Yes. I am in that area I do pay those taxes.

9 Q So I want to -- Benton, Salt Creek, Polk, and
10 Washington Townships, do you contract with all
11 of those?

12 A Salt and Polk. Benton and Washington are in the
13 fire district.

14 Q Thank you. The Salt and Polk, Salt Creek and
15 Polk, what's the terms of those -- what are the
16 terms of those contracts?

17 A Oh, basically, it breaks down a few different
18 types of responses they'll receive and what we
19 will send. It's an annual contract.

20 Q Do they simply pay you every year?

21 A Every year we adjust based on the maximum growth
22 quote -- whatever Indiana calls is now -- but
23 State Board of Account, DLGF, essentially issue
24 how much a maximum levy can grow, and we
25 increase the contract based on that.

1 Q Do they contribute any equipment or personnel?

2 A Between the two, there's \$12,000 a year that
3 contribute for equipment. Usually that's stuff
4 that is specialized to those areas. Polk
5 Township is primarily state or federal forest.

6 Q Do you know, approximately, what, in 2023,
7 combined financially their contributions were to
8 the district?

9 A I'd say in the area of 200 to 250,000.

10 Q Polk total combined?

11 A Yeah.

12 Q Just to make sure I'm clear, they don't have any
13 of their own volunteer --

14 A No.

15 Q -- or full-time --

16 A They have nothing.

17 Q -- personnel?

18 A Yep.

19 Q Do they own any apparatus?

20 A No.

21 Q Do they own any fire stations?

22 A No.

23 Q Do you just serve those areas out of the
24 stations you have in other townships?

25 A Yes.

1 Q Do you do extra staffing based off those
2 service -- the need to provide service to those
3 areas?

4 A No.

5 Q It's just something you absorb with what you do
6 otherwise?

7 A Correct.

8 Q Does it place any other specific burdens on your
9 guys's resources, as far as you're aware?

10 A No, I think there's 20 calls a month to those
11 areas, and we run 450. So a very small
12 percentage. Prior to the fire district
13 contract, the townships contracted with the City
14 of Bloomington.

15 Q Salt and Polk?

16 A Salt and Polk, correct.

17 Q When did the district start contracting with
18 them?

19 A Somewhere around 2019. I can't remember if it
20 was right before the Indian Creek merger or if
21 it was all at the same time, but it was around
22 the time Indian Creek came in.

23 Q Beanblossom Township, how is it currently
24 served?

25 A They have their own volunteer fire department

1 with the Town of Stinesville.

2 Q Is it fully volunteer?

3 A Yes, I believe they are fully volunteer. They
4 may have a part-timer here or there, but I can
5 tell you their annual budget is \$85,000. So I
6 highly doubt it.

7 Q Did I hear you say there's talk of -- there's
8 been some discussion of them joining the --

9 A There has been. There's been unofficial
10 conversations for the last year or two years.
11 And I attended a township meeting either earlier
12 this year or late last year and was actually
13 contacted last week to look at a date in April
14 to have a meeting. They are also going to have
15 Ellettsville Fire Department attend so they can
16 look at all their options.

17 Q Meaning they may contract with Ellettsville as
18 an option?

19 A Correct.

20 Q Kind of what they're thinking?

21 A Uh-huh.

22 Q Do you know what the impetus is for Beanblossom
23 looking at options?

24 A Yeah. I think they have the same -- the
25 conversations have been most relatable to the

1 Indian Creek conversation. I think the trustee
2 wants to find a long-term solution. So I
3 believe they're leaning towards fire protection
4 district.

5 Q Has the impact of annexation been discussed at
6 all with respect to Beanblossom? This
7 difference of, if a municipality annexes and
8 it's in the district, it doesn't change the
9 service provider?

10 A There's -- they're pretty remote. There's a
11 substantial amount of time before annexation
12 would reach them.

13 Q Richland Township, who provides service to
14 Richland Township?

15 A Ellettsville. They contract.

16 Q Is Ellettsville a full-time, fully paid --

17 A They're a combination department. They have
18 full-time staff, part-time, and volunteers.

19 Q Are there areas in the district that typically
20 have higher call volumes?

21 A Yeah.

22 Q Where would you say those are?

23 A Really, I would need to pull up a map and just
24 look. I would say an address that is most
25 frequent is off Hastings Drive, on the east

1 side. I believe that actually was in Area 2.
2 Yeah, would have been in Area 2. Yeah, 920 or
3 910. Something like that.

4 Q Is that a particular address?

5 A It's a retirement facility.

6 Q Those aren't fire runs? Those are more -- are
7 those EMS --

8 A They're everything. Fire alarms, EMS calls.
9 You name it, it's probably got something
10 attached to the address.

11 Q What about Areas 1A and 1B, would you say those
12 are active areas for calls?

13 A Medical calls, yes. Knock on wood, not a whole
14 lot of other stuff, other than car wrecks. You
15 have the fire alarm here. The occasional fire,
16 but those are fairly newer homes and less
17 problematic.

18 Q Are those higher call areas than the more rural
19 areas in the district?

20 A I don't know. If you were to look at, like,
21 percentage of the area that they make up,
22 perhaps. But I don't have that information.
23 More of our calls are outside of those areas
24 than in them, without a doubt.

25 Q When you say "more calls are" -- because there's

1 a bigger area outside --

2 A Yeah.

3 Q -- not a density-related. You're saying it's
4 just more area --

5 A Correct. I mean, you could look at it from a
6 fire standpoint, you could look at it per
7 capita, you could look at it per square mile.

8 You know, I don't have that information
9 breakdown, but if I look at those areas, I could
10 tell you, easily, that 90 percent of our call
11 volume is outside of them.

12 Q Are there occasions where you have -- is
13 all-hands calls, is that a phrase that you are
14 familiar with?

15 A No, not really.

16 Q Never heard that phrase?

17 A We've had one of those in my time at the fire
18 department.

19 Q I want to make sure I'm -- you're familiar with
20 that phrase?

21 A Yeah.

22 Q What does it mean to you?

23 A We would call it, like, callback. So, like, the
24 call has exceeded our on-duty resources, and
25 we're paging personnel to report for duty.

1 Q And does that happen very often?

2 A Like I said, one time that I can think of in my
3 18 years.

4 Q When was that?

5 A In the area -- one of the areas you're talking
6 about.

7 Q It was in Area 1A or 1B?

8 A It was in Area 1B. It was the Wickens Street
9 fire, five homes at one time, and everyone was
10 there.

11 Q How much LIT does the district receive? Do you
12 know?

13 A Around 3 million.

14 Q Has that number grown since the merger -- the
15 2021 merger?

16 A Yes and no. If you look at the Perry-Clear
17 Creek fire district, yes. If you look at all of
18 the fire departments combined, no.

19 I mean, it grows every year for everyone
20 slightly. But if you look at what has merged
21 versus what was being collected, it's
22 proportionally the same.

23 Q You automatically receive a portion of the
24 Public Safety LIT; correct?

25 A No.

1 Q You don't?

2 A No.

3 Q How's that determined?

4 A We have to apply for funds, and then the Local
5 Income Tax council makes the final decision.

6 The majority vote lies with the City of
7 Bloomington.

8 Q Is that a yearly decision that they make, how
9 much LIT you get?

10 A Yes.

11 Q Do you recall what -- how much LIT you received
12 prior to the 2021 merger?

13 A I don't know that we received anything since
14 2021.

15 Q I'm sorry?

16 A When the Public Safety LIT was created, we
17 obtained some funds. But after the annexation
18 situation, we haven't received a dime.

19 Q So, I'm sorry, I thought I'd asked how much LIT
20 you receive currently, and you had said 3 -- I
21 thought you had said \$3 million --

22 A I thought you said Public Safety LIT. I think
23 you got the two mixed up.

24 Q Okay.

25 A No, the LIT has -- it's proportionally been the

1 same.

2 Q Let me ask this, what portion -- what LIT are
3 you talking about when you received the
4 3 million?

5 A I'm talking about certified Local Income Tax.

6 Q Certified shares?

7 A Yes, correct.

8 Q You previously have received Public Safety LIT
9 though?

10 A Correct.

11 Q But have not since 2021?

12 A I don't think so, no.

13 Q Did you receive it in 2020, you think, and it
14 was 2021 that you stopped receiving it? Or was
15 it some time before that?

16 A I know we got it the first year and maybe the
17 second year. I think --

18 Q When you say "first year," and "second year,"
19 what --

20 A I think it was all in the teens. I don't think
21 we got anything in the '20s. I may be wrong.
22 2020, 2021, might have, but I don't think so.

23 Q Do you know what certified shares you were
24 receiving? About what the amount of certified
25 shares you were receiving prior to 2021 -- the

1 merger and part of the 2020 mergers?

2 A Not necessarily because -- at one point in time,
3 I could have told you that. I would have to
4 look.

5 I think I'm looking at it as Van Buren,
6 Bloomington Township; Perry-Clear Creek, Indian
7 Creek combined. It was proportionally the same.
8 I know that. But I couldn't tell you the dollar
9 amount because the slices of pie were different,
10 if that makes sense.

11 Q Is it your understanding that the townships did
12 not receive -- don't receive certified shares if
13 they're not a part of a fire protection
14 district?

15 A I don't know that.

16 Q So you don't know how certified shares are
17 allocated?

18 A I do know how they're allocated. I'm not sure
19 about the townships with regard to whether
20 that's with the -- when they have fire
21 protection and when they don't.

22 I am familiar that they received LIT when
23 they had fire protection. I don't know if they
24 received it after.

25 Q Do you believe the Bloomington Fire Department

1 does a good job of providing fire protection
2 service inside of Bloomington?

3 A Yes.

4 Q Do you have any criticisms of their department?

5 A No. Like I said earlier, I think from a
6 firefighting standpoint, I know they need
7 additional manpower. But as far as the
8 firefighters, their capabilities and their
9 qualities, they's as good as anyone.

10 Q What do you mean when you say "they need
11 additional manpower"?

12 A The population has grown tremendously since they
13 last added firefighting personnel. It's been 20
14 plus years.

15 Q Do you base that off anything else?

16 A Just, I mean; one, it was identified in the
17 study I mentioned earlier about the
18 international. And; two, just look at
19 population trends and, really, on average,
20 what's going on across the country -- fire
21 protection-wise.

22 Q Do you have any reason to believe that the
23 current level of staffing that Bloomington Fire
24 Department has, they're not adequately providing
25 fire protection service inside of their

1 boundaries?

2 A I think that I could say that with regard to a
3 high-rise fire. I know the standards for that
4 are quite a bit, and their fire chief had
5 reported a few years ago that they did not meet
6 that.

7 Q Specifically, how did they not meet? What did
8 they not meet?

9 A They were short on firefighters.

10 Q A few years ago meaning when?

11 A I don't know the year, but it was in the public
12 safety presentation that they give each year.
13 The State of Public Safety, I think, is what the
14 city refers to it as.

15 Q Any personal knowledge you have that they were
16 short? Or it's just based off of a presentation
17 that somebody else gave?

18 A My personal knowledge, yes, I could derive the
19 same thing if I were to look at deployment
20 analysis like I do for us.

21 Q I mean, did you look at the deployment analysis?

22 A Uh-huh.

23 Q What was the event? What was the high-rise
24 fire?

25 A It's not the fire itself. It is what's

1 necessary to assemble for a high-rise fire.

2 I found this interesting because the fire
3 district does not necessarily respond to high
4 rises.

5 Q I'm sorry, the fire district doesn't respond
6 to --

7 A Correct.

8 Q Okay.

9 A Our highest structure is four stories.

10 Q I think you said it's been several years since
11 you looked at that?

12 A Yeah. It was within the last three or four.

13 Q Have you looked at that recently? Do you know
14 if that's still an issue?

15 A Yes. I have not looked at it recently but there
16 are -- there have been no additional
17 firefighters added; so it would not have
18 changed.

19 Q What exactly is the short -- what is the
20 standard that you believe they don't meet?

21 A I don't recall the exact number needed, but they
22 were, I think, three or four firefighters short.

23 Q In what? Like, total firefighters short? I'm
24 trying to understand what you're --

25 A So going back to what I said earlier about the

1 assembly times and the NFPA standards, the
2 requirement for a high-rise fire is higher than
3 what the standard fire would be. I'm not saying
4 that this criticism is widespread. It's only
5 with regard to high-rise fires.

6 But there's a standard that establishes a
7 number of firefighters that should be present on
8 the scene, and those currently could not be
9 assembled.

10 Q For a high-rise fire?

11 A Correct. You asked for any criticisms. That's
12 the only one that I have.

13 Q So no other criticisms?

14 A Correct, sir.

15 Q Are you familiar of Bloomington being unable to
16 address a high-rise fire at all?

17 A Knock on wood, no.

18 Q And that's a standard that only applies in the
19 urban city areas?

20 A Correct.

21 Q But doesn't apply to your department?

22 A It -- correct. It might be a standalone NFPA
23 standard. What was previously a handful is now
24 a couple of hundred. So there may be a specific
25 high-rise standard now. It may be separated

1 from the general assembly stuff but ...

2 Q Do you know, does the district meet that
3 standard?

4 A No. Well, possibly. I have not looked at it
5 with the additions of personnel. But, again, we
6 don't have a high-rise; so ...

7 Q What is your district's current ISO rating?

8 A 4.

9 Q When was the last time it was reviewed?

10 A 2021.

11 Q And what was it prior to 2021?

12 A 4.

13 Q So it stayed the same?

14 A Now so to clarify on that, we got our review at
15 a bad time because ISO looks at a years worth of
16 data. We had this review on April 21 of 2021.
17 I know the date because we had our last child
18 the day before. I was not a popular person for
19 about a 24-hour window.

20 But the data -- a lot of the data we had to
21 submit was based on the previous fire district.
22 We weren't able to submit data for Van Buren or
23 Bloomington Township. So training hours were
24 low.

25 Yeah, there were some things that, next

1 time around, the averages will correct.

2 Q Do you know, prior to 2021, what was the last
3 time your ISO rating was reviewed?

4 A Probably four years before. It seems like every
5 four years, they come.

6 Q Do you know what it was? So if it was 4 prior,
7 do you know what it was prior to that?

8 A Yep. It was 4, and it was incorrectly printed
9 in ISO as, I believe, a 7. And we were not
10 aware of that until the city's annexation
11 proposal in 2017 because they had us listed as a
12 7. I spoke with Mike Rouker. Is said, "This is
13 incorrect." Mike sent me the report that the
14 city had purchased. I got ahold of ISO. They
15 said, "Whoops". And they corrected it in the
16 next addition. So before.

17 Q So they had listed it as a 7 --

18 A That is correct.

19 Q -- but you just didn't -- weren't aware of that?

20 Do you know was it was before? Was it a 7?

21 A I assume it was a 7 and they never changed it.
22 But it's been a four every time I've been
23 involved.

24 Q Is there a different ISO rating for different
25 areas? Or is it the same rating for the entire

1 district?

2 A It is the same across the board.

3 Q So, like, if you're closer to a fire hydrant,
4 for example, you don't get a better rating?

5 A Well, okay. Let me backtrack what I just said.
6 There's two ways. The way the fire district has
7 it, no.

8 We have the alternative water supply
9 credit, which means we have provided proof that
10 we can supply adequate water with our engines
11 and tankers. If you're in fire district, you're
12 a 4 if you are within 5 miles of the fire
13 station.

14 If you don't have the alternative water
15 supply credit, you have to be within 1,000 feet
16 of a hydrant and within 5 miles of a fire
17 station.

18 So if you are with -- let's just say you
19 don't have the credit and you're 1,500 feet from
20 a hydrant, you would be the 9 or 10 depending on
21 the fire department's classification; but it
22 would be what's considered a split class.

23 Q So you're not a split class?

24 A We are not.

25 Q It's 4 everywhere?

1 A Correct.

2 Q Even if you're more than 5 miles from a station?

3 A No. If you're 5 miles beyond a station, it's a
4 10. That's, like, the one staple with ISO
5 that's consistent: 5 miles within a firehouse
6 or you get very limited.

7 Q Do you have areas that are beyond 5 miles from a
8 station?

9 A In the contracted areas, yeah.

10 Q Do you know Bloomington Fire Department's ISO
11 rating?

12 A Yeah. They're a 1.

13 Q My understanding is that's rare.

14 A It is pretty rare.

15 Q Do you know how your rating, your 4, do you know
16 how that rates across the state? How that
17 compares across the state?

18 A Off the top of my head, I don't. It's till
19 pretty up there.

20 Q Does water supply or availability of water
21 supply impact your rating?

22 A No. Not now. In 2021, we obtained that water
23 supply credit. So hydrants don't necessarily
24 affect us.

25 Q But when ISO does their rating, do they consider

1 water lines and water service availability?

2 A Yeah. That's a portion of the -- it's a portion
3 of the points, if you will.

4 Q Do you know what portion?

5 A It's pretty substantial. Maybe 20 percent.

6 Q So it's your understanding that the fact that
7 there is water supply in the urban areas assists
8 your rating -- assists in your rating?

9 A I don't know. The reason I say that is because
10 when we obtained the water shuttle credit, we
11 had to look at mostly remote, rural areas and
12 what access points they had for water.

13 For instance, we used a quarry as a water
14 location. We had to have a geologist come out
15 and 100-year flood proof this. Document it. So
16 I'm not sure how the urban hydrants you're
17 referring to necessarily apply.

18 Q Let me try to ask it differently.

19 A Okay.

20 Q Imagine, if you will, that there was no water
21 service in Areas 1A and 1B.

22 A Okay.

23 Q No water lines -- no public water lines,
24 hydrants or water lines -- anywhere within your
25 district, do you think that would impact your

1 fire rating?

2 A Yes.

3 Q It would?

4 A Yes.

5 Q You would have a higher fire rating if you
6 didn't have access to public water supply in
7 your district?

8 A Correct. So would the City of Bloomington.

9 Q Agreed, agreed. Yeah. It actually has a
10 significant impact --

11 A Yeah.

12 Q -- on ISO rating; right?

13 A Yeah.

14 Q It's actually the biggest factor on the ISO
15 rating?

16 A I think the fire department itself is half, if
17 not a little less than half, of the rating.

18 Q Yeah. And then the --

19 A The dispatching segment and -- yeah.

20 Q But access to public water supply has a
21 significant impact on what your rating is.

22 A It does, yes.

23 Q I agree. And you understand that the city
24 provides the water service in Areas 1A and 1B?

25 A Yes, predominantly. There may be some

1 non-CBU -- I'm not sure -- in 1B. You would
2 know that. I wouldn't know that.

3 Q The Fire Protection District, for the record --

4 A We deal with a lot of water companies; so ...

5 Q The Fire Protection District doesn't provide
6 water service?

7 A No.

8 Q The townships that you -- are members of your
9 district, don't have their own water service?

10 A There's a water company in Van Buren. There's
11 several water companies in Perry. They're all
12 private, small water companies.

13 Q Do you know where they get their water from?

14 A CBU.

15 Q And that's --

16 A The Lake Monroe station that the fire district
17 protects.

18 Q That's the City of Bloomington Utilities, CBU?

19 A Correct.

20 Q Is there an automatic aid agreement between the
21 Bloomington Fire Department and Monroe County
22 Fire Protection district?

23 A Not currently. There was.

24 Q When was there?

25 A Prior to 2017 or 2018.

1 Q In the time that you've been the chief?

2 A Yes.

3 Q Do you know when the ISO did their rating in
4 2021, if they believed that there was currently
5 an automatic aid agreement?

6 A Oh, no. They were very clear --

7 MR. BEGGS: Object to the form. You're
8 asking him if he knows what they believed?

9 Q Yeah. Go ahead and answer.

10 MR. BEGGS: Object to the form.

11 A I am very aware that they were -- they
12 understood there was not, yeah.

13 Q Do you know if they also understood there was
14 not in the rating that was done in the four
15 years prior to that?

16 MR. BEGGS: Object to the form.
17 Foundation.

18 A I would disagree. There was an automatic aid
19 agreement. John Hamilton and Jason Moore ended
20 it, and they admittedly -- admitted it in the
21 newspaper.

22 Q Understood. I think my question is was that --
23 did you supply information to ISO at the time of
24 the rating in, I want to say, 2017, if it was
25 four years prior to 2021 --

1 A Yes.

2 Q -- that there was an automatic aid agreement?

3 A Yes.

4 Q And then in 2021, they asked that same question?

5 A Correct.

6 Q And you told them at that time --

7 A Yes.

8 Q -- that there was an automatic aid agreement?

9 A Yes.

10 Q Is there currently a mutual aid agreement?

11 A There is a mutual aid agreement.

12 Q Can you briefly, for the record, explain the
13 differences between automatic aid and mutual
14 aid?

15 A So mutual aid means that, if you need
16 assistance, you can call for it. Automatic aid
17 means when a 911 caller calls for assistance,
18 the dispatching center will send the nearest
19 automatic aid unit.

20 Q Do the two agencies work together?

21 A Yes.

22 Q Have a good relationship right now?

23 A Absolutely.

24 Q Would you say the relationship's improved since
25 the change of administration?

1 A About the stroke of midnight.

2 Q Explain. Can you explain that?

3 A It went from two individuals who were absolutely
4 resistant to have any form of relationship to
5 open lines of communication, as it should be.

6 Q Did you still work together?

7 A Yeah.

8 Q Prior to the change of administration, you
9 worked with the departments?

10 A Absolutely.

11 Q Cooperated? Are there -- have there been
12 circumstances where Bloomington's fire
13 department calls on the district for mutual aid?

14 A Yes.

15 Q What are those?

16 A There's been several fires. There's been
17 several HAZMAT calls. Yeah.

18 Q Like, is it frequently, would you say? Or is
19 it --

20 A I don't know. I can tell you it's been more
21 frequent since January. Prior to it being shut
22 down, it was pretty common. I don't think a
23 Bloomington firefighter or a district
24 firefighter has ever not called when they needed
25 help. It's just help was delayed.

1 Q Help was delayed because --

2 A It wasn't automatically sent.

3 Q It wasn't automatic?

4 A Per the agreement, a firefighter is supposed to
5 get on scene, establish command, and then
6 determine if resources are needed.

7 So there was a period of time in which
8 Bloomington and district firefighters were
9 adhering that to the T. Now, if they feel like
10 they need resources, they're calling for help.

11 Q Before they even get on scene?

12 A Correct.

13 Q Was anybody ever denied? Did Bloomington Fire
14 Department ever refuse to show up when they were
15 called upon for assistance?

16 A Not that I'm aware of.

17 Q Are there circumstance where the Fire Protection
18 District calls on Bloomington Fire Department
19 for assistance?

20 A Yes.

21 Q What are those?

22 A One of them would be that Wickens fire. I mean,
23 traditionally, we would call on a city fire
24 station to aid when they're positioned to do so.
25 If we're sending four stations on a structure

1 fire, if one of those stations could come from a
2 closer station, we would prefer the City of
3 Bloomington send help and vice versa.

4 Q Would you prefer that there was an automatic aid
5 agreement?

6 A Absolutely.

7 Q Because there's areas that you serve that are
8 closer to Bloomington stations?

9 A Yeah. Well, and it doesn't necessarily have to
10 be first due. From a fire standpoint, you're
11 likely sending four engines no matter what.

12 The probability of a fire district engine
13 or a city engine being closer than one of those
14 four engines is very high.

15 Q It would benefit --

16 A Everyone.

17 Q Every -- yeah. It would benefit the annexation
18 areas as well, if there was automatic aid, you
19 would degree?

20 A Yes.

21 Q Is there equipment or apparatus that the
22 Bloomington Fire Department has that the fire
23 district does not have?

24 A They have a bucket, which is a type of aerial
25 truck. The district has ladders. Same type of

1 application. The bucket reaches higher. That's
2 really the only specialized equipment, I can
3 think of, they have that we don't.

4 Q That's an aerial? Is that what we're talking
5 about?

6 A Correct.

7 Q An aerial? They have a full aerial?

8 A Yeah. They have an aerial with a platform. So
9 people can stand up there in the platform -- two
10 or three people -- versus a ladder that is,
11 literally, just a top of a ladder. So a
12 firefighter can anchor in there, one, not
13 multiple.

14 Q Is there a benefit to having that apparatus?

15 A Yeah, I mean, it would be for a high-rise. City
16 of Bloomington would want that for window
17 rescues, stuff like that, at a higher level.

18 Q Is their equipment that the district has that
19 the -- and you've touched on this a little bit,
20 but --

21 A Yeah, yeah. It would mostly be centered around
22 tech rescue stuff. We have a lot more
23 extrication capabilities. We have the ARFF
24 capabilities, which is the aircraft rescue
25 firefighting. We have --

1 Q Sorry. Is that because of the airport?

2 A Yes.

3 Q Okay. Go ahead.

4 A And then hazardous materials.

5 Q Does the city not have HAZMAT?

6 A They don't have HAZMAT technicians. They have
7 limited extrication equipment, which was not
8 always the way. Prior to the last
9 administration, they had the equipment. If they
10 were to get back to the way they were prior --
11 it would take a few years but -- they would have
12 everything but the airport and HAZMAT.

13 Q So they used to have --

14 A They previously provided those services. They
15 cut back on that to focus on getting the ISO
16 score lowered.

17 Q Not having that equipment helps you lower your
18 ISO score?

19 A Well, that type of equipment also requires
20 training, additional training hours. And it's
21 very difficult to get maximum structural
22 firefighting training along with all the
23 additional training, if that makes sense. The
24 focus was shifted to fire suppression.

25 Q And you guys have tankers as well?

1 A Correct.

2 Q And I don't think the city has tankers; correct?

3 A The city does not. But traditionally, they
4 just -- like I said, automatic aid-wise, the
5 district always deployed those resources when
6 they were in the call card. We would do that
7 now.

8 Q And there's areas within the city limits that
9 the Monroe Fire Protection District has to drive
10 through to get to areas that you serve,
11 currently?

12 A That's correct.

13 Q And I think you called it the Wickens fire?

14 A Wickens.

15 Q Wickens. Is that the same things as the
16 Highlands fire?

17 A Yeah, probably. The highland is the
18 neighborhood. Wickens is the street.

19 Q What was the role of the Bloomington Fire
20 Department in that incident?

21 A They self-deployed on it, which was fantastic.
22 They prophesied an engine and an aerial, that I
23 recall, and I believe they were on the south end
24 of the fire and helped suppress any further
25 growth to the south.

1 That fire started in a house. The houses
2 are 10 to 15 feet apart. I don't know if you
3 guys are familiar with light-weight
4 construction, but there was simple foam
5 insulation board and vinyl siding on the
6 structure. So there was no plywood. No
7 decking. So when the first house became well
8 involved in fire, all of that melted, which was
9 10 to 15 feet from the next house. That melted,
10 it's in the house, and it spread.

11 There were three houses involved when the
12 initial dispatch came in. The entire county
13 responded on that. I mean, it was five
14 simultaneous house fires. And Bloomington was
15 there. Like I said, they provided assistance on
16 the south end of that.

17 Q Is that all they did was provide assistance on
18 the south end?

19 A That I recall. I know they had their stick up,
20 and they were hitting that south house with
21 water. And I'm pretty sure they sent an engine
22 company inside of it.

23 Q What's a "stick up"?

24 A Their ladder.

25 Q The one that we talked about earlier?

1 A Don't think it was the bucket truck. It was
2 their actual ladder. Truck 2 is what they call
3 it.

4 Q Was there recently a fire on South Quarry Lane?
5 Does that ring a bell?

6 A Yes.

7 Q What was Bloomington Fire Department's role in
8 that?

9 A I was not there on that fire. I believe they
10 were called mutual aid. I don't know what role
11 they played.

12 Q Do you know why they were called in for mutual
13 aid?

14 A Because of proximity.

15 Q How does that work? Is it just you know they're
16 proximate, and so you're guys call for them?

17 A Our crews, they all know where the fire stations
18 are located. And when you're in route to a
19 fire, if it's a substantial fire, you typically
20 know there's a smoke header. And I don't know
21 if they were call before, prior to arrival, or
22 after arrival. But they were requested because,
23 I believe, that was just south of, like, where
24 O'Reilly and stuff is there on West 3rd. And
25 they got a station over by McDonald's.

1 Q The West Alan Street fire, does that ring a
2 bell?

3 A I mean, we've had fires in those areas. I don't
4 know. I was on Wickens. I was not on the --
5 well, actually, West Alan might have been the
6 fire that occurred a month or two ago; and
7 central dispatch dispatched the city and then
8 realized it wasn't a city address and they
9 dispatched to county.

10 City units beat the county units there. I
11 mean, I don't know how much of a time difference
12 there was. I think it was a minute or two, and
13 to my knowledge, only one or two city -- or
14 county engines remained on scene. The city
15 wrapped up the fire. And our job, basically,
16 per the battalion, was make sure the city is
17 covered.

18 MR. UNGER: Let's take a break.

19 (Off the record.)

20 BY MR. UNGER

21 Q Did you participate all in the legislative
22 change to change the way annexation impacts fire
23 protection, your fire protection district?

24 A Yes.

25 Q You advocated for that legislative change?

1 A That's correct.

2 Q What role did you play?

3 A I mean, I testified. I spoke with legislators.
4 I was present for a lot of the hearings, the
5 sessions. Beyond that, just a Joe Schmo.

6 Q Any other ways that you believe annexation will
7 impact the Fire Protection District than what we
8 already talked about?

9 A No. I mean, I think the LIT revenue is the only
10 question really that hinges out there. I think
11 that our relationship with the Bloomington Fire
12 Department is good. I mean, I think our crews
13 are going to be working together more frequently
14 in the near future anyway. So I don't think
15 that would be a problem.

16 Q And that benefits the people in your service
17 territory, you think?

18 A It benefits everyone.

19 MR. UNGER: That's all the questions that I
20 have.

21 CROSS-EXAMINATION,

22 QUESTIONS BY WILLIAM J. BEGGS:

23 Q Chief Dillard, just a few. I think you
24 testified earlier that the LIT portion of the
25 revenue to the fire district has been cut off

1 since -- excuse me. Public Safety Local Income
2 Tax portion of the district's revenue has been
3 cut off since annexation occurred.

4 Did I hear that correctly?

5 A Yeah. I mean, in that specific instance, I
6 can't say that we were specifically told because
7 of it, we were no longer getting it. But there
8 certainly was a change in the atmosphere and
9 involvement. It really turned into more of a
10 cookie-cutter process, if you will, in which we
11 applied, we showed up to the meeting, we got
12 told no that night. Versus in the past, where
13 we applied, we showed up, we presented, we met
14 again and had more conversations.

15 Q And the district was told no by whom?

16 A Technically, it would be the Monroe County Local
17 Income Tax council. But, traditionally, it was
18 the City of Bloomington council. Because once
19 they established they were voting no, they had
20 the majority.

21 Q So City of Bloomington council controlled that,
22 from your perspective?

23 A Correct.

24 Q I think you testified earlier that there was a
25 time when -- and I understand we're hopeful

1 there's a change -- but there was a time in the
2 recent past when Bloomington Fire Department
3 would delay responding to calls where they'd
4 been asked to come assist or back up the
5 district. Did I hear that correctly?

6 A Not intentionally. When automatic aid was
7 ended, it caused a delay because they were no
8 longer being dispatched.

9 Up until that time, we would respond to
10 certain areas automatically for them; they would
11 respond to areas automatically for us.

12 Q And automatic aid was ended at whose request or
13 whose decision?

14 A City of Bloomington's.

15 Q And that's that part about the ISO rating you
16 were talking about with Mr. Unger?

17 A Yeah. So during that ISO review, we relayed the
18 information about what automatic aid existed.
19 John Beard, the representative for ISO that does
20 the reviews, he went to Monroe County Central
21 Dispatch, and at the same time was reviewing the
22 City of Bloomington. Jason Moore told him that
23 I was incorrectly citing an automatic aid
24 agreement that didn't exist, and they were going
25 to correct that.

1 There was no written, formal automatic aid
2 agreement. But since I had been in the fire
3 service in 2006, it was well established and
4 programmed in the Monroe County Central
5 Emergency Dispatch at the agreement of all fire
6 departments in the areas for which automatic aid
7 took place. That was removed not shortly after.
8 It existed at the time of the ISO review. By
9 the end of it, the city had backed out. I mean,
10 there are newspaper articles discussing that.

11 Jason had called me -- this is probably
12 around the time that Senate Bill 603 was in
13 session. Jason had called me -- Jason Moore,
14 the City of Bloomington Fire Chief -- and told
15 me if Senate Bill 603 did not die, automatic aid
16 was ending. Again, all of this was in a
17 relevant period of time.

18 Q He was the chief of Bloomington Fire Department?

19 A Correct.

20 Q And that was a role in which he was calling you?

21 A Correct.

22 Q And then it didn't die; the legislation did not
23 die. So, therefore, the aid did?

24 A That's correct.

25 Q Exactly what he said would happen?

1 A Correct.

2 Q Chief Dillard, are you aware of threats by
3 representatives of the City of Bloomington --
4 either explicit or implicit, depending on who
5 you are -- to shut off water to Area 1A or 1B if
6 this involuntary annexation process does not go
7 through?

8 A I have not heard that. I don't believe that
9 that is something they would be able to do. The
10 fire hydrants that are in place are established
11 fire protective systems. They would have to
12 maintain those per fire code.

13 (Deposition Exhibit 74 marked for
14 identification.)

15 Q You were asked some questions earlier about the
16 Fire Protection District and it's boundaries.
17 The court reporter has handed you what's
18 previously been marked as Exhibit 74.

19 Can you identify that document?

20 A Yes.

21 Q What is that?

22 A It's a map of Monroe County that shows the Fire
23 Protection District, the Ellettsville Fire
24 Department, and their coverage of Richland
25 Township, Stinesville, Beanblossom Township, and

1 the City of Bloomington.

2 Q So at the bottom, I see it says "Monroe County
3 Fire Districts 2022." Does that -- which,
4 obviously, we're now in 2024.

5 Does this map represent the accurate
6 locations of the district as we sit here today
7 in '24? Or has it changed since this map was
8 created?

9 A Appears to be correct with the exception of
10 Ellettsville Fire Station 81 is now partial
11 Monroe Fire District station.

12 Q So I take it that's in Richland Township?

13 A Yeah. It would be the southeast station in
14 Richland Township.

15 Q That's now part of what please?

16 A It's Ellettsville and Monroe Fire District.

17 Q That's the one you were talking about earlier
18 that's joint?

19 A That's correct.

20 Q Is there any part of 1A or 1B -- which are not
21 on Exhibit 74, of course, that the lines for
22 which are not. But is there any part of 1A or
23 1B that are not within 5 miles of a fire
24 station?

25 A No.

1 MR. BEGGS: No further questions, sir.
2 Thank you very much.

3 MR. UNGER: No questions.

4 (Time noted: 1:26 p.m.)

5 AND FURTHER THE DEPONENT SAITH NOT.

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9

DUSTIN DILLARD

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1 STATE OF INDIANA)
) SS:
2 COUNTY OF MONROE)

3 I, Colleen Brady, a Notary Public in and for
4 the County of Monroe, State of Indiana at large, do
5 hereby certify that DUSTIN DILLARD, the deponent
6 herein, was by me first duly sworn to tell the
7 truth, the whole truth, and nothing but the truth
8 in the aforementioned matter;

9 That the foregoing deposition was taken on
10 behalf of the Respondents, at the offices of
11 Bloomington City Hall, 401 North Morton Street,
12 Room 225, Bloomington, Monroe County, Indiana, on
13 the 20th day of March 2024, commencing at the hour
14 of 11:01 a.m., pursuant to the Indiana Rules of
15 Trial Procedure;

16 That said deposition was taken down
17 stenographically and transcribed under my
18 direction, and that the typewritten transcript is a
19 true record of the testimony given by the said
20 deponent; and thereafter presented to said deponent
21 for his signature;

22 That the parties were represented by their
23 counsel as aforementioned.

24 I do further certify that I am a disinterested
25 person in this cause of action; that I am not a

1 relative or attorney of any party, or otherwise
2 interested in the event of this action, and am not
3 in the employ of the attorneys for any party.

4 IN WITNESS WHEREOF, I have hereunto set my
5 hand and affixed my notarial seal on this 3rd
6 day of April 2024.

7

8

Colleen Brady

9

Colleen Brady

10

11

12 Seal, Notary Public
State of Indiana

My Commission Expires:
March 8, 2029

13

14 Colleen Brady
Commission No. NP0732235

County of Residence:
Monroe

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Veritext Legal Solutions
1100 Superior Ave
Suite 1820
Cleveland, Ohio 44114
Phone: 216-523-1313

1 April 2, 2024

2 To: Mr. Beggs

3 Case Name: County Residents Against Annexation Inc. Et Al. v. The
4 Common Council Of The City Of Bloomington Et Al.

5 Veritext Reference Number: 6507051

6 Witness: Dustin Dillard Deposition Date: 3/20/2024

7 Dear Sir:

8 The deposition transcript taken in the above-referenced
9 matter, with the reading and signing having not been
10 expressly waived, has been completed and is available
11 for review and signature. Please call our office to
12 make arrangements for a convenient location to
13 accomplish this or if you prefer a certified transcript
14 can be purchased.

15 If the errata is not returned within thirty days of your
16 receipt of this letter, the reading and signing will be
17 deemed waived.

18 Sincerely,

19 Production Department

20 NO NOTARY REQUIRED IN CA

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Indiana Rules of Trial Procedure
Depositions Upon Oral Examination

Rule 30

(e) Submission to witness--Changes--Signing.

(1) When the testimony is fully transcribed, the deposition shall be submitted to the witness for reading and signing and shall be read to or by him, unless such reading and signing have been waived by the witness and by each party. "Submitted to the witness" as used in this subsection shall mean (a) mailing of written notification by registered or certified mail to the witness and each attorney attending the deposition that the deposition can be read and examined in the office of the officer before whom the deposition was taken, or (b), mailing the original deposition, by registered or certified mail, to the witness at an address designated by the witness or his attorney, if requested to do so by the witness, his attorney, or the party taking the deposition.

(2) If the witness desires to change any answer in the deposition submitted to him, each change, with a statement of the reason therefor, shall be made

by the witness on a separate form provided by the officer, shall be signed by the witness and affixed to the original deposition by the officer. A copy of such changes shall be furnished by the officer to each party.

(3) If the reading and signing have not been waived by the witness and by each party the deposition shall be signed by the witness and returned by him to the officer within thirty (30) days after it is submitted to the witness. If the deposition has been returned to the officer and has not been signed by the witness, the officer shall execute a certificate of that fact, attach it to the original deposition and deliver it to the party taking it. In such event, the deposition may be used by any party with the same force and effect as though it had been signed by the witness.

(4) In the event the deposition is not returned to the officer within thirty (30) days after it has been submitted to the witness, the reporter shall execute a certificate of that fact and cause the certificate to be delivered to the party taking it. In such event, any party may use a copy of the

deposition with the same force and effect as though
the original had been signed by the witness.

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES
ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.
THE ABOVE RULES ARE CURRENT AS OF APRIL 1,
2019. PLEASE REFER TO THE APPLICABLE STATE RULES
OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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