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STATE OF INDIANA
COUNTY OF MONROE
IN THE MONROE CIRCUIT COURT

COUNTY RESIDENTS AGAINST
ANNEXATION, INC., an Indiana
not for profit corporation,
et al.,

Remonstrators/
Appellants/
Petitioners,

v.

THE COMMON COUNCIL of the City
of Bloomington, Monroe County,
Indiana, et al.,

Respondents.

Cause No.
53C06-2203-PL-
000509

DEPOSITION OF JULIE THOMAS

DATE: Wednesday, March 06, 2024

TIME: 1:06 p.m.

LOCATION: Bungler & Robertson
211 South College Avenue
Bloomington, IN 47404

REPORTED BY: Andrew Pronschinske

JOB NO.: 6485936

Page 6

1 of such.

2 At this time will everyone in

3 attendance please identify yourself for the record,

4 beginning from my left.

5 MR. UNGER: Stephen Unger, Bose

6 McKinney & Evans, counsel for the City of Bloomington.

7 MR. MCNEIL: Andrew McNeil, cocounsel

8 with Mr. Unger.

9 MR. BEGGS: Bill Beggs for the

10 petitioners.

11 MS. CLEMENTS: Margaret Clements,

12 County Residents Against Annexation Representative.

13 MR. COCKERILL: Jeff Cockerill with the

14 County attorneys' office.

15 MS. THOMAS: Julie Thomas, county

16 commissioner.

17 THE REPORTER: Thank you. Hearing no

18 objection, I will now swear in the witness.

19 Please raise your right hand.

20 WHEREUPON,

21 JULIE THOMAS,

22 called as a witness and having been first duly sworn

23 to tell the truth, the whole truth, and nothing but

24 the truth, was examined and testified as follows:

25 THE REPORTER: Thank you.

Page 7

1 You may proceed.

2 EXAMINATION

3 BY MR. UNGER:

4 Q Good afternoon, Ms. Thomas.

5 A Hello.

6 Q I'm going to be asking the questions.

7 A Yeah.

8 Q Have you ever been deposed before?

9 A Yes.

10 Q What was that context?

11 A I know there was -- I don't remember.

12 Honestly, I don't remember. It's -- there have been a

13 number of times.

14 Q It's been a while?

15 A It's been a while, but there have been a

16 number of situations both public and -- and private,

17 so.

18 Q Okay. Well, let me -- yeah, I will just

19 kind of maybe give you some ground rules and stuff.

20 A Sure.

21 Q So one thing is, as you know, he is

22 recording everything that we're saying. So it's

23 important that you let me finish my questions before

24 you answer, because he can't type both of our comments

25 at the same time. Second is -- do you understand

Page 8

1 that?

2 A Yes.

3 Q Okay. Second is it's important that you

4 answer yes and no and not shake your head or uh-huh so

5 that he can type the answer, because he can't type a

6 head shake. Do you understand that?

7 A Right, right, yes.

8 Q Yes. Thank you. You understand you're

9 under oath?

10 A Yes.

11 Q Okay. And so you understand your

12 responsibility today is answer my questions as

13 truthfully and completely as you can. Do you

14 understand that?

15 A Yes.

16 Q Okay. If there is -- if I ask you any

17 questions and you don't understand them, or you don't

18 believe you can answer them truthfully or completely,

19 will you let me know?

20 A Yes.

21 Q Okay. And then, certainly, if you need a

22 break, let us know, and if you need to use the

23 restroom or anything, we can accommodate that. I just

24 ask that you finish the question, your answer to the

25 question that I have last asked. Is that okay?

Page 9

1 A Sure, yes.

2 Q Okay. What did you do to prepare for your

3 deposition today?

4 A What did I do to prepare for it?

5 Q Yes.

6 A Had some conversations internally with

7 Mr. Cockerill about what to expect. I reread portions

8 of the Reedy report, version five, and the Baker Tilly

9 report that we had commissioned from the County, spoke

10 with Mr. Beggs briefly as well.

11 Q Anybody talk to you about the prior

12 depositions that have already occurred in this case?

13 A I know there have been some. And yeah,

14 that's -- so -- so there have been depositions.

15 That's what I know.

16 Q Okay. Has anybody talked to you about those

17 depositions or the questions that were asked in the

18 depositions?

19 A Not -- very generally.

20 Q And what were the questions you were advised

21 of?

22 A Just that there were discussions about the

23 impact of annexation on individuals.

24 Q Anything else?

25 A Not that I recall.

<p style="text-align: right;">Page 10</p> <p>1 Q Okay. Did you guys go over any talking 2 points? I don't want to know about your discussions 3 with Mr. Cockerill, but with Mr. Beggs or 4 Ms. Clements, did you guys talk about talking points 5 at all? 6 A No, not extensively. 7 Q What points did you want to make sure you 8 got across today? 9 A I-- it wasn't about points to get across. 10 It was -- my question was how much research do I need 11 to do at this point, because I'm very limited on time 12 this week. So it was more that kind of question. 13 Q Okay. Anything else that you reviewed 14 besides the Reedy report and the Baker Tilly report? 15 A No. 16 Q Okay. Thank you. Do you live in any of the 17 annexation areas? 18 A Well, that's an interesting question. No. 19 Q Why is it an interesting question? 20 A I'm on the edge of one that was dropped, 21 which is seven, which is the old annexation area 22 seven. 23 Q You actually live inside of what would have 24 been the -- 25 A No, across the street from it, yeah.</p>	<p style="text-align: right;">Page 12</p> <p>1 live in any of the annexation areas? 2 A No. 3 Q Who lives with you at your home? 4 A My dog. 5 Q No one else? 6 A Not right now. 7 Q Okay. Where is your office? 8 A Kirkwood, the courthouse. 9 Q Do you come to the office every day? 10 A No. 11 Q How often? 12 A Anywhere from one to four times a week, on 13 average. It depends. 14 Q Do the county commissioners meet every week? 15 A Yes, most weeks, yeah. 16 Q Do you have any employment besides being a 17 county commissioner? 18 A Yes. 19 Q What is that? 20 A I teach part-time at Franklin College at -- 21 in Franklin. That's two days a week right now, and of 22 course, it's only February to May. And I teach online 23 at Southern New Hampshire University. I have other 24 part-time teaching experiences in my past, but those 25 are the most recent, most current.</p>
<p style="text-align: right;">Page 11</p> <p>1 Q Okay. And you currently live in the city's 2 boundaries? 3 A No. 4 Q Okay. Where do you live; what's the 5 address? 6 A It's 3030 North Russell Road. 7 Q So you will have to forgive me. I'm trying 8 to recall. Is that on the east side? 9 A Yes, northeast. 10 Q Okay. Was your property ever in one of the 11 annexation areas -- ever in one of the proposed? 12 A No, that -- that I know of. 13 THE REPORTER: I just want to be clear 14 that, for the sake of transcript production, if we 15 could be sure to try and not talk over one another, 16 that would make the process easier. Thank you. 17 BY MR. UNGER: 18 Q Do you own property in any of the annexation 19 areas? 20 A No. 21 Q So I assume you did not sign a remonstrance 22 petition? 23 A That's correct. I did not sign a 24 remonstrance petition. 25 Q Do you any of your relatives own property or</p>	<p style="text-align: right;">Page 13</p> <p>1 Q What do you teach? 2 A History, Russian, European. I have also 3 taught in the political science department at IU 4 Bloomington. That was last Spring. 5 Q Have you had any other jobs in the 6 Bloomington community? 7 A Yes, I have. 8 Q What are those? 9 A I had a business for a time downtown. I had 10 a second business for a time where we sold goods at 11 the farmers market. And IU was my main employment 12 before I became an elected official. 13 Q How long did you teach at IU? 14 A I was -- well, I was a graduate student at 15 IU starting in '93 and taught there part-time starting 16 in '97, and then I left there in two thousand, I 17 think, seven. 2007, I think. I was teaching 18 full-time, part-time there. 19 Q How long have you been a county 20 commissioner? 21 A Since December 2012. 22 Q Did you hold any elected offices before 23 that? 24 A Yes, county council. That term started in 25 January 1, 2009.</p>

Page 14

1 Q Anything before that?

2 A No.

3 Q Could you explain for the record what are

4 the County requirements with respect to sewer and

5 water service for new residential development or

6 neighborhoods?

7 A I could speak generally about it, because --

8 let me just speak generally about it, and that is

9 that, with a new development, when somebody proposes a

10 -- and I'm going to speak about subdivisions, because

11 that's the thing we see most often. Smaller building

12 projects, we don't necessarily see.

13 So a subdivision is proposed. A developer

14 has to provide verification that they have access to

15 all the utilities necessary, including water, sewer,

16 or they have got a provision for sewer, and

17 electricity, and natural gas, if relevant. So they

18 show -- they have connection letters that they include

19 with their proposal.

20 Q Is there a lot limit size if a property

21 owner wants to have a septic system for a residential

22 home?

23 A There is a minimum lot size for septic based

24 on state statute.

25 Q Do you know what that is?

Page 15

1 A I believe it's still an acre.

2 Q Does the County have any more restrictive

3 requirements than the one acre for a homeowner septic

4 system?

5 A We follow state statute.

6 Q Okay. I think I have heard before that

7 there's a two and a half acre restriction. Are you

8 familiar with that?

9 A I'm not familiar with that.

10 Q In Monroe County?

11 A Not familiar with that.

12 Q Okay. What about a commercial property; do

13 you also?

14 A There is such a thing as commercial septic,

15 but I don't know the details of that.

16 Q Is there a housing shortage in Monroe

17 County?

18 A I couldn't answer that. I don't know. And

19 what I do know is that we hear people say there's one,

20 but if you look at real estate listings, there's a lot

21 out there on the market.

22 I think there is -- I would say that, from

23 my personal knowledge and experience, that there is a

24 shortage of housing that is affordable for a

25 two-income family with children.

Page 16

1 And part of that is because we don't -- we

2 are not allowed to set a living wage in our county

3 that would allow people to purchase a home, because

4 land is expensive, and then you add in the cost of

5 building. So homes are what they cost. And can

6 people afford them? Not always.

7 Q You said you're not allowed to set a living

8 wage. Is that because of state statute?

9 A Yes, that is a state statute.

10 Q If the Monroe County commissioners were

11 allowed to set a county-wide living wage, would you be

12 supportive of that?

13 A Absolutely.

14 Q So aside from affordable housing, you don't

15 believe -- it's your opinion there's not a housing

16 shortage in Monroe County?

17 A Correct.

18 Q Does the County have a plan to address the

19 affordable housing shortage?

20 A Yes, and -- and that involves -- well,

21 affordable is a -- is a very specific federal term.

22 So maybe -- and I don't like the term workforce

23 housing, because that implies that unless you're

24 retired, everybody is the same, and they're not.

25 So I don't know what to call it, but housing

Page 17

1 in the lower-cost bracket -- maybe I could use that

2 term -- is -- it's something we are always thinking

3 about. But again, the cost to purchase land

4 automatically creates housing that is more expensive.

5 And our -- so what we do is we look at it as

6 best we can development by development. We supported

7 the Osage Habitat for Humanity project with American

8 Rescue Plan Act dollars.

9 We are looking at doing the same at another

10 location at South Walnut with American Rescue Plan Act

11 dollars to fund some of the infrastructure that's

12 necessary.

13 We are -- we had a discussion last night

14 with the redevelopment commission for the county about

15 looking into a -- the potential of establishing a

16 residential TIF that would have to be -- they would

17 have to meet some requirements for affordability in

18 terms of their income.

19 So they would have to have a maximum income

20 to purchase property there. So it's -- it's area by

21 area, plan by plan.

22 Q You mentioned a cost bracket. What do you

23 believe that cost bracket to be for the shortage, the

24 area that has a shortage of housing?

25 A I would say that people are hard-pressed to

Page 18

1 find a livable home for under 200,000, and I just
 2 don't know if that's possible to build. So it would
 3 be great to be more creative, tiny homes, things like
 4 that.

5 Q You mentioned the Habitat for Humanity
 6 project. Where is that located?

7 A The Osage property is near the old RCA
 8 plants, so it's near RCA Park.

9 Q Forgive me. Is that in the city limits?

10 A Yes, it is in the city.

11 Q And the South Walnut project, that is not
 12 located in the city limits. Correct?

13 A Correct.

14 Q Which annexation area is that in? Do you
 15 know?

16 A I don't. I don't know. I don't.

17 Q You -- sorry. You understand it's in one of
 18 the city annexation areas?

19 A I don't know that it is.

20 Q Okay. Does the South Walnut project, do you
 21 believe it will require municipal services?

22 A If we could get municipal services, that
 23 would be better than having to build a package plant,
 24 because that is our other option that we have utilized
 25 elsewhere. But my understanding from a conversation

Page 19

1 today is that we have been told that there isn't the
 2 capacity for the city to add this onto their current
 3 wastewater system.

4 Q I want to quantify. We're talking about a
 5 shortage. How big of a shortage do you think there
 6 is? How many additional affordable housing options do
 7 you believe are needed?

8 A This is -- this is a very big question, and
 9 we are working toward getting a reliable answer that
 10 doesn't come from the realtors, that doesn't come from
 11 speculation or people's subjective experiences talking
 12 to folks in the community.

13 I don't know that number, and we were
 14 speaking last night at our plan commission about why
 15 we do need that number and how we're going to come up
 16 with that number.

17 Q The city hasn't done any -- or I'm sorry.
 18 The County has not done any studies to determine what
 19 the shortage is?

20 A No.

21 Q Okay. Do you believe that the South Walnut
 22 project would need city police service, for example?

23 A If it's not in the city, it won't need city
 24 police service. It would have sheriff's deputies.
 25 It's 70 units. It's not -- it's not a huge project.

Page 20

1 Q Can you explain to me, on the South Walnut
 2 project, what the County's role has been in that
 3 project?

4 A So far, not much. It hasn't come through
 5 planning yet. A PUD, planned unit development,
 6 ordinance has not been proposed yet.

7 We are at the stage where we have considered
 8 it as -- in my other role in county government, along
 9 with the council, to be worthy of consideration for
 10 American Rescue Plan Act funding, but that doesn't
 11 mean that it's been -- that's not -- that doesn't make
 12 it a planning petition that's been approved or not.
 13 So it's -- it's very early.

14 Q So it's a private developer that would be
 15 doing that project?

16 A It's a mix between Habitat for Humanity and
 17 a private developer as it's proposed right now. And
 18 again, that's -- we don't know.

19 Q And are you familiar with the city's policy
 20 on not connecting new sewer outside of its boundaries
 21 currently?

22 A Well, we have had a petition that came
 23 before us in Fieldstone, and the petitioners said they
 24 wanted to put in storage units, but the area was
 25 supposed to be housing.

Page 21

1 And we asked why they weren't doing housing,
 2 because the PUD for that area said this is supposed to
 3 be high-density housing, and he said the city will not
 4 connect the sewer. So that stalled out that
 5 development in our eyes.

6 We voted it down as a storage facility,
 7 because if we need housing, we need housing. We don't
 8 need storage facilities. So but that was during the
 9 previous mayoral administration.

10 I don't have anything in writing or a direct
 11 -- any direct communication from anyone in the city to
 12 either myself or conveyed through planning staff to us
 13 that -- that there is going to be zero sewer hookup
 14 for areas outside the city. We can build package
 15 plants. That's -- developers can build package
 16 plants. It's -- it's a viable option.

17 Q Has the County studied the potential for a
 18 package plant at the South Walnut property?

19 A It's too early to do so.

20 Q Do you have any estimate on the cost of a
 21 package plant?

22 MR. BEGGS: Just objection to the form
 23 to the extent it doesn't define the details of what
 24 the package plant will serve.
 25 //

Page 22

1 BY MR. UNGER:
2 Q Any cost -- go ahead and answer my question.
3 A I -- I have no idea.
4 Q No idea what a package plant would cost?
5 A No, nothing -- nothing has been -- what I --
6 when I talk about the South Walnut project, the only
7 thing that's been done is we have looked at it as a
8 potential for American Rescue Plan Act funding.
9 That's -- and it's about 70 units. That's all I can
10 tell you about it. It's so early. It's so early.
11 Q Do you know what package plants generally
12 cost?
13 A No.
14 MR. BEGGS: Object to form.
15 BY MR. UNGER:
16 Q Do you know what the environmental
17 requirements are for having a package plant?
18 MR. BEGGS: Object to form.
19 A No.
20 Q Has the County done any studies of the cost
21 to operate a package plant?
22 A No.
23 Q Do you have any familiarity with the
24 requirements to operate a package plant?
25 A No.

Page 23

1 MR. BEGGS: Object to form.
2 Foundation.
3 BY MR. UNGER:
4 Q Have you discussed at all with the City the
5 potential for a package plant?
6 A No.
7 MR. BEGGS: You mean that South Walnut
8 location, Counsel, or do you mean anywhere?
9 MR. UNGER: Anywhere.
10 THE WITNESS: No.
11 BY MR. UNGER:
12 Q I understand the County also has plans for a
13 proposed new jail?
14 A Yes.
15 Q What's the proposed locations that have been
16 identified for that project?
17 A Are you asking where we have looked in
18 totality or where we're looking now?
19 Q Where you're looking now.
20 A Our current focus is at North Park, which is
21 the northwest corner of I-69 and State Road 46.
22 Q Is that in the city?
23 A No.
24 Q Do you expect that a jail at that location
25 would require city sewer and water service?

Page 24

1 A It would not. There is a package plant that
2 already exists on that property with sufficient
3 capacity. It was built for what was supposed to be a
4 hospital, so it is well-served.
5 Q Do you know who operates that package plant
6 currently?
7 A No.
8 Q Is it operated by a utility?
9 A I don't know.
10 Q Is it in use currently?
11 A It exists.
12 Q Do you know how much capacity it has?
13 A No.
14 Q Has the County had discussions with the
15 owner of the package plant about its ability to use it
16 for the new jail?
17 A I'm not sure what to do with that question,
18 because -- let me answer it this way. North Park is a
19 planned unit development. That planned unit
20 development has had some infrastructure upgrades,
21 including roadway and a package plant. Those are --
22 that roadway, that package plant exists. There is a
23 TIF. It is a TIF area.
24 So I -- the assumption is that development
25 on -- in North Park's PUD would utilize that package

Page 25

1 plant. So no, we have, that I know of, not had a -- I
2 have not had a discussion with anyone about that,
3 because that's the assumption.
4 Q You are personally opposed to the city's
5 annexations. Is that correct?
6 A Can you clarify that question for me?
7 Q Yes. Are you opposed to the city's
8 annexations personally?
9 A I -- are you talking about their plans 1A,
10 1B, 1C, 2, 3, 4, 5 6?
11 Q Are you opposed to the city's annexation of
12 area 1A?
13 A Yes.
14 Q Are you opposed to the city's annexation of
15 area 1B?
16 A Yes.
17 Q When do you think it is appropriate for
18 Bloomington to annex?
19 A I look at city annexations like people think
20 about businesses. Businesses sometimes grow and
21 expand, and they do so to increase their revenue.
22 That's exactly why cities do it.
23 There is a time and a place for annexation,
24 and that is typically done by working with residents
25 who live near the border, finding out what they need.

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1 It's kind of old-fashioned, the way I think about it,
 2 but it's how it used to work.
 3 Too much land too quickly is -- is expensive
 4 for current city residents, and it -- and it is
 5 difficult to ensure that people receive services that
 6 they need if it's done too fast, if the leap is too
 7 big. That's the concern, and I -- I'm trying to look
 8 out for every resident of the county, whether they
 9 live in the city or not.
 10 And I heard complaints from people within
 11 the city concerned about the annexation plans and the
 12 cost to the community, especially because of the
 13 recent issues regarding a lack of public safety, too
 14 few people on the police force.
 15 And city residents would say, and I was
 16 surprised, but city residents would say to me, "What's
 17 going to happen to me? Can you help fight this?"
 18 Q So is it ever appropriate for Bloomington to
 19 involuntary annex property owners?
 20 A I believe the way the state of Indiana
 21 manages annexation is wrong. It -- it creates an
 22 adversarial relationship when one does not need to
 23 exist. It would be preferable to have the City have a
 24 clear plan that is gradual, that encompasses the needs
 25 of the people who they are adding, but I think that

Page 27

1 the city has some things to do right now in terms of
 2 improving its own internal infrastructure before it
 3 thinks about growing.
 4 Q So I'm sorry. My question was, should
 5 Bloomington ever be allowed to annex property owners
 6 involuntarily?
 7 A I don't think anyone should ever been able
 8 to involuntarily annex somebody. I can see that they
 9 have a desire to do it. That doesn't mean it's the
 10 right thing to do.
 11 Q Should Bloomington ever be allowed to annex
 12 urban areas outside their boundaries involuntarily?
 13 A Legally, they have that right under Indiana
 14 law, but I don't think it's an appropriate law.
 15 Q Should Bloomington be allowed to annex areas
 16 that agreed to be annexed in exchange for sewer
 17 service?
 18 A I do not believe that requiring people to be
 19 annexed if they want access to sewer service is fair.
 20 I do not believe that that is a way that people should
 21 be treated.
 22 The individual has to pay for that hookup.
 23 They have to pay. If it's a subdivision, the -- the
 24 developer is paid for the infrastructure and then
 25 passed it on to the homeowners, I would assume,

Page 28

1 because businesspeople.
 2 And then to say, "And now, you are agreeing
 3 to be annexed," I don't -- it doesn't feel right to
 4 me. The people who are outside of the city limits
 5 already pay a premium for sewer service by the city as
 6 well.
 7 Q Do you think the City should be allowed to
 8 refuse the extension of sewer utilities outside of its
 9 boundaries without being annexed first?
 10 A The City may do that. They have that right,
 11 absolutely. I don't know if they really are out of
 12 capacity. I -- and if they are, then they should not
 13 be providing sewer service outside the city. I -- I
 14 agree.
 15 Q If they have capacity?
 16 A Then it's up to them, but it's a moneymaking
 17 venture, and I don't mean that in the sense of profit,
 18 but I mean they get sufficient revenue. They charge a
 19 rate based on what it costs them to process waste, and
 20 they charge people outside the city more. That's --
 21 that's their prerogative.
 22 Q Absent the consent of the property owners,
 23 should Bloomington ever be able to annex area 1A?
 24 A I -- I think I need that reworded. Thank
 25 you.

Page 29

1 Q So again, I understand you're opposed to
 2 involuntary annexation. I understand that. Is there
 3 any scenario where Bloomington should be able to
 4 annex area 1A absent landowner consent?
 5 A It seems like you know that's my answer.
 6 You already know my answer. I feel like we have
 7 already done this.
 8 Q Let me rephrase it.
 9 A Yeah, maybe that would help.
 10 Q Should area 1A always be unincorporated?
 11 A Part of it may become incorporated and part
 12 of the city. Part of it may not. I don't know where
 13 that line is, but I certainly understand that there is
 14 a place and a time for annexation.
 15 I certainly understand that we have a
 16 terrible law in Indiana, and if you have the law you
 17 have, it's what you work with. And so annexation does
 18 happen.
 19 It should not happen with such a large space
 20 in such a compressed time, and it should happen a good
 21 -- for a good public servant, it should happen with
 22 the people wanting it or at least being okay with it,
 23 in other words, getting them on board first.
 24 Q Well, what I'm trying to understand is, if
 25 the property owners will not agree to be annexed, is

Page 30

1 there a scenario in which you think it would be
 2 appropriate for Bloomington to still move forward with
 3 annexing area 1A?
 4 A No.
 5 Q Okay. What about with respect to 1B?
 6 A Same.
 7 Q Have there been other involuntary
 8 annexations in Monroe County that you did not oppose?
 9 A I was not part of county government, and
 10 you're talking about -- can you -- can you ask the
 11 question again?
 12 Q Have there been other involuntary
 13 annexations in Monroe County that you did not oppose?
 14 A I was not -- I don't believe I was part of
 15 county government the last time the City annexed. And
 16 the town of Ellettsville currently annexes gradually,
 17 and we have not become involved in any way in
 18 opposition to those annexations.
 19 Q Do you know if those were involuntary
 20 annexations?
 21 A I don't know. I -- I know -- no, I don't
 22 know. No, I don't know.
 23 Q What about Stinesville; have they annexed
 24 since you have been involved?
 25 A No, not that I know of.

Page 31

1 Q The Ellettsville annexations, was the impact
 2 on the landowners from those annexations acceptable to
 3 you?
 4 MR. BEGGS: Objection to form and
 5 foundation.
 6 A Yeah, I don't know what you mean by impact.
 7 Q Was the financial impact to the landowners
 8 acceptable to you?
 9 MR. BEGGS: Objection. Form.
 10 A I did not -- the only thing I can tell you
 11 is that I have not heard complaints from residents
 12 about the potential of being annexed by the town of
 13 Ellettsville. Their tax structure is very different
 14 than the City of Bloomington's, however, and that may
 15 have something to do with it.
 16 In addition, the annexations that I am most
 17 familiar with -- and again, I don't know about each
 18 and every one of them, because they are gradual and
 19 small and piecemeal in Ellettsville -- often occur
 20 before the property is developed. Not always, but
 21 often. And so a homeowner is buying a home in the
 22 town of Ellettsville.
 23 Q If Bloomington annexed area 1A in smaller
 24 chunks and piecemeal, would you be opposed to it?
 25 A Not necessarily. It depends on a lot of

Page 32

1 factors. There are a lot of factors.
 2 Q Well, what are the factors?
 3 A The residents themselves who are targeted
 4 for annexation, if it makes sense geographically, if
 5 they work with the property owners to bring them on
 6 board.
 7 It really is up to those property owners to
 8 tell me and guide me as to whether they want to object
 9 and if they need our help or if they have questions we
 10 can help them with.
 11 Q You said geographically. What makes it more
 12 appropriate geographically for you?
 13 A I think that relates more to roadways,
 14 thinking I-69, things like that. So in other words, I
 15 think about it like the highway department thinks
 16 about it a little bit, because there's road inventory,
 17 and it's either a county road or a city road or a
 18 state road, and that's important for each highway and
 19 public works department.
 20 So I think that's what I'm thinking about it
 21 in terms of geography. You wouldn't want to have a --
 22 you know, a piece of roadway run by the city in the
 23 middle of two county roads and, you -- you know, that
 24 kind of -- that kind of geographical logic.
 25 Q The islands, areas 3, 4, and 5, are you

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1 opposed to the City's annexation of those areas as
 2 well?
 3 A Yes.
 4 Q Do you think it's still inappropriate for
 5 the City to annex those islands involuntarily?
 6 A Yes, yes, I do.
 7 Q Is that just because it's involuntary?
 8 A Because it is involuntary, because I'm very
 9 familiar with people who live in those islands who
 10 cannot afford the significant tax impact of annexation
 11 on them personally.
 12 The -- I can give you specific examples when
 13 I have gone out and talked to residents in those
 14 areas, but they are very much reflective of county
 15 living more than city living in terms of how people
 16 conduct their day-to-day lives. Especially, I think
 17 about annexation area 4 with that one.
 18 Q Are you opposed to the annexation of area 1A
 19 by the City if over 50 percent of the property owners
 20 agree to be annexed?
 21 A I think that's too much of a -- I don't
 22 know. I don't know.
 23 Q What I'm trying to get at is, do you believe
 24 it has to be 100 percent voluntary for the City to
 25 annex an area?

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1 A I think that would be the ideal. It might
2 not happen, but I think that might be the ideal. I
3 would like our state law to be different.
4 Q Would you be -- so there's a lesser number
5 than 100 percent where you think it would be
6 acceptable for the City to annex an area?
7 A I -- I don't know what that number is.
8 Q Jumping back to the Ellettsville
9 annexations, were the impact on county finances
10 acceptable to the county from the Ellettsville
11 annexations?
12 A The -- I don't know what you mean by
13 acceptable. It is what it is. It is -- yeah, I -- I
14 don't know what to do with that word acceptable.
15 Sorry.
16 Q Did you think it was inappropriate?
17 A Again, I'm not sure what to do with that
18 word inappropriate. It was not significant. Does
19 that help?
20 Q Do you know -- do you recall what the impact
21 was?
22 A No, because it is small, piecemeal, and
23 often predevelopment.
24 Q Is Bloomington a good place to live?
25 A I don't live in Bloomington. I used to, but

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1 I don't anymore.
2 Q When did you live in Bloomington?
3 A 1993 to around '96.
4 Q Was it a good place to live then?
5 A It was fine.
6 Q You think it's -- so you're a county
7 commissioner in Monroe County. Correct?
8 A Yes.
9 Q The largest community is the city of
10 Bloomington. Correct?
11 A Right.
12 Q Do you believe it's a good place to live?
13 A I believe that some people like living in an
14 urban area, a small -- it used to have a small-town
15 feel. It doesn't really have that anymore, but people
16 like living in a small city. Some people, like me,
17 like being out in -- in the country a little bit, not
18 -- and that I can be close to the city.
19 So I -- I think that there are, like every
20 city and every town and every county in this country,
21 there are problems, and there are great things about
22 it. And the things I love about Bloomington may be
23 different than the things someone else may love about
24 Bloomington.
25 Q Do you think Bloomington is a good place to

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1 start a business?
2 A It can be.
3 Q Are there times when it's not?
4 A It depends what kind of business, I would
5 assume. And when you say Bloomington, I'm thinking
6 city limits, just to clarify. So it can be, yes.
7 Q What about the greater Bloomington
8 community?
9 A Yes, sure.
10 Q It is a good place to start a business?
11 A Sure.
12 Q Do you believe Bloomington is a good place
13 to raise a family?
14 A I have not raised a family, so I don't know,
15 but I believe that we have good schools. I believe
16 that we have a lot of things to offer. And -- and in
17 this sense, I'm thinking about the county as a whole,
18 but I think the county as a whole is a great place to
19 raise a family.
20 Q So you're willing to say the county is a
21 great place to raise a family, but you're not willing
22 to say Bloomington is a great place to raise a family?
23 A No, Bloomington -- Bloomington is as well.
24 I think there are -- again, like every city, town, and
25 county, there are great things about it, and there are

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1 things that need to be worked on.
2 Q What are the things that need to be worked
3 on?
4 A I think currently -- within the city? Are
5 you -- is that your question?
6 Q Both city and county.
7 A I think with -- I think, within the city,
8 the biggest thing right now has to do with balancing
9 student population, student housing, with housing for
10 people who have families or are starting families or
11 are retiring. You know, where's that balance?
12 I -- I hear that a lot, and I also know that
13 there -- there is concern about public safety and
14 having enough officers in -- on the roads. And that's
15 -- that's just city again for that.
16 We don't have those two issues in the
17 county, but we do have concerns about protecting our
18 environment, protecting our drinking water source for
19 the whole area, for the region.
20 We have -- always have concerns about where
21 development should go and where it shouldn't and where
22 it should be denser and where it should be less dense,
23 how to make better use of our airport for economic
24 development. I can -- I can name so many things that
25 occupy our minds and time as county commissioners.

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1 Q Does the Bloomington fire department provide
 2 quality fire protection service?
 3 A I believe so.
 4 Q You understand they assist with Monroe
 5 County Fire Protection District from time to time as
 6 well?
 7 A What I do know is that they have not yet --
 8 as far as I know, I have not been informed that there
 9 is an active efficient, sufficient mutual aid
 10 agreement between the Monroe County Fire Protection
 11 District and the City of Bloomington's fire
 12 department. I -- that would be something that needs
 13 to be addressed.
 14 Q Are you familiar with circumstances where
 15 Bloomington Fire Department has responded to fires in
 16 the Monroe County Fire Protection District territory?
 17 A Personally, no.
 18 Q Okay. Does the Bloomington Police
 19 Department provide quality police protection?
 20 A I believe that the officers who serve the
 21 Bloomington Police Department are good people on the
 22 whole who do a good job. They're just understaffed.
 23 Q So I'm going to ask my question again. I
 24 understand you believe they're understaffed. Even
 25 with what you perceive to be understaffing issues, do

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1 you believe they do a good job of providing police
 2 protection service, the department as a whole?
 3 A I don't feel like I'm in a position to judge
 4 that, honestly. I don't know.
 5 Q Do you know -- what do you base your belief
 6 that there is -- that they're understaffed on; what do
 7 you base that off of?
 8 A I have attended and watched a number of city
 9 council meetings where this has been a topic of
 10 discussion for many years, especially since COVID.
 11 But if I remember correctly, I think it started before
 12 COVID. I might be wrong on that, but.
 13 Q I mean, has the county commissioned any
 14 studies concerning police service?
 15 A No, because we have a sheriff who was duly
 16 elected to serve our community with deputies, and the
 17 sheriff may or may not decide to do a study, but that
 18 is not up to the county commissioners to do.
 19 Q Do you have any evidence of crimes occurring
 20 in Bloomington and not being responded to?
 21 A I would not have that information.
 22 Q So aside from what you have heard other
 23 people say in said council meetings, do you have any
 24 evidence supporting your belief that there is a
 25 staffing shortage in the Bloomington Police

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1 Department?
 2 A I base my understanding of the situation on
 3 the city council members discussing the issue about
 4 how to increase the number of officers and how to
 5 encourage them to stay on once they are hired.
 6 Q Aside from that, any other evidence of
 7 policing not getting done that you're aware of?
 8 A Officially, no. The public talking to me
 9 about it at various events, conversations, grocery
 10 store lines, you name it, I hear from people that they
 11 feel like the response time is slower.
 12 They feel they are concerned about the
 13 number of officers who are available, and that would
 14 often lead them to say, "How can the City annex if we
 15 already don't have enough officers on hand?"
 16 Q Do you know how many officers, at a given
 17 time, are patrolling within the city's boundaries, how
 18 many police officers?
 19 A No, I do not.
 20 Q Okay. Do you know how many sheriff's
 21 deputies are patrolling? And again, I'm talking about
 22 in the county.
 23 A I do not. I know that number fluctuates
 24 depending on the day of the week and the time of day,
 25 but I do know that we are -- at last count, I think we

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1 were -- we had three more openings in the sheriff's
 2 department, and they were -- they believed that they
 3 would be filled within a month or two.
 4 Q Do you believe the response times from the
 5 county sheriff's department are appropriate?
 6 A Yes, given the geography of the county, the
 7 amount of space to be covered in an emergency. And I
 8 do know that our response times have been fairly
 9 consistent over the last five years or so.
 10 Q Have you ever -- have you personally ever
 11 reviewed and studied the City's response times?
 12 A I have tried to get information on that, and
 13 it is very difficult to get that information. So I
 14 would say no.
 15 Q Who did you try to get it from?
 16 A I have data that dispatch -- I believe it
 17 came from dispatch. The chief deputy, Phil Parker,
 18 gave me some data sheets, but the issue is how the
 19 numbers are calculated, what they include, and what
 20 they don't include.
 21 And it's difficult to follow that data.
 22 It's not something that's easily comprehensible; "It's
 23 two minutes longer, two minutes shorter." It's not.
 24 It's not like that. It's a -- it's a complex dataset
 25 that I'm still trying to grapple with.

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1 Q You haven't had difficulty with the City
 2 giving you data, though?
 3 A I got the data from Phil Parker. I didn't
 4 ask the City for the data. I haven't asked the City
 5 for that data.
 6 Q Phil Parker, is he with the dispatch?
 7 A I'm sorry. He is the chief deputy sheriff.
 8 Q Okay. Understood.
 9 A Yeah, so I didn't ask. I didn't ask the
 10 City. I didn't ask.
 11 Q Didn't ask the City?
 12 A No.
 13 Q Okay. Thank you. Do you believe that the
 14 number of sheriff's deputies patrolling the county at
 15 a given time is an appropriate number for urban areas?
 16 MR. BEGGS: Objection to form. Did you
 17 say urban areas?
 18 MR. UNGER: Correct.
 19 THE WITNESS: I -- I don't know what
 20 you mean by that. I'm sorry. Yeah, could you restate
 21 it, maybe?
 22 BY MR. UNGER:
 23 Q Do you understand that area 1A and 1B are
 24 urban areas?
 25 A No, I do not understand that.

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1 Q You don't think -- you don't believe they're
 2 urban?
 3 A I think there are some parts of those areas
 4 -- let me -- let me get my map in my head visually. I
 5 believe there are parts of those areas that are more
 6 densely populated than others.
 7 Q What's your definition of urbanization,
 8 urban area?
 9 A It's -- it is about population density. I
 10 don't have a magical number in my head, but it is
 11 about population density, but there's also a quarry.
 12 That's not urban. So I -- you know, I -- I don't want
 13 to lump everything together and say 1A is urban. I
 14 don't think the whole of 1A is urban.
 15 Q But you agree some portions of 1A are urban?
 16 A Are more densely populated, yes.
 17 Q And do you believe the ratio of sheriff's
 18 deputies that are covering the county, including those
 19 areas, is sufficient?
 20 A That's a question for the sheriff and -- and
 21 the county council, which is the -- which is the
 22 fiscal body of the county which decides on the
 23 deputies we'll pay for. So not a question I have had
 24 to deal with since I left the county council.
 25 Q Okay. So you don't have a position on it?

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1 A I have not heard any complaints. I will
 2 tell you that. That's my personal experience.
 3 Q Does the Bloomington street department do a
 4 good of maintaining the streets within the city?
 5 A I believe so. I haven't studied it. I
 6 think the one complaint I have heard this year is
 7 about not picking up leaves and having a lot of
 8 flooding as a result.
 9 Q Do you think the county street department
 10 does a good job of maintaining the streets --
 11 A They do a -- they do a great job.
 12 Q Okay. What do you base that off of?
 13 A My personal knowledge and experience and the
 14 fact that -- that the public works department of the
 15 county reports to the county commissioners. So that's
 16 -- we're involved in that every day. We have paved
 17 more roads in 2023 than we ever have.
 18 Q Do you believe the city parks department
 19 does a good job?
 20 A I believe so.
 21 Q Are there areas of interlocal cooperation
 22 between the City and the County?
 23 A Absolutely.
 24 Q Could you maybe explain to me what those
 25 are?

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1 A Sure. We have an interlocal agreement with
 2 the City regarding the animal shelter. We pay them
 3 based on the number of animals that are surrendered
 4 into the shelter that come from outside the city.
 5 Q The City maintains the shelter?
 6 A The City maintains the shelter.
 7 Ellettsville pays a little bit, and we pay the rest,
 8 and the City pays for the city. And I personally
 9 utilize that animal shelter to find great companions
 10 for my life, which is wonderful. We have the building
 11 department which the County operates, but the City
 12 utilizes. So --
 13 Q The City can -- does --
 14 A We have an agreement. We have an agreement
 15 with the City, and so building permits in the city go
 16 through the County's building department.
 17 Q Does the City compensate the County for
 18 that?
 19 A The -- there's a fee that's assessed for the
 20 permit, and that goes to the County.
 21 Q So the builders pay to operate the
 22 department?
 23 A Absolutely, but we -- as much as possible,
 24 that's what we want.
 25 Q Understood.

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1 A I know that there -- and I cannot give you
 2 specifics, but I know that there are ongoing
 3 agreements between the city streets department or
 4 public works -- I'm never sure what to call it -- and
 5 our public works highway department.
 6 They -- we have agreements with them all the
 7 time regarding things like snowplowing, so you're not
 8 -- you know, one is not picking up the plow, and then
 9 the other one has to come by and drop their plow.
 10 They -- they work out the streets so that,
 11 you know, "Hey, you're over here. Finish this one for
 12 us, and we will do yours over here." So there are
 13 those kind of ongoing agreements that work out really
 14 well.
 15 Q Dispatch?
 16 A Dispatch is another one, yeah.
 17 Q How is dispatch handled?
 18 A Gosh, you know, here's the thing. I have
 19 been in -- been at the County so long, you know, like
 20 three iterations of different ways dispatch has
 21 worked.
 22 We have a ongoing agreement with the City,
 23 and I will put it this way. The City manages the
 24 personnel side, and we manage -- we pay for -- we pay
 25 for the -- the software side, I believe.

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1 I might be wrong about that even to this
 2 day, but so that, it is a -- the PSAP LIT, the public
 3 safety answering point LIT. Local income tax is
 4 collected by the County, and the dispatch has --
 5 center has a budget that they work off of for their
 6 personnel.
 7 But there is a board, and the board is what
 8 -- where the real cooperation, day-to-day work takes
 9 place, especially in executive committee, which is
 10 City and County together, fire protection district,
 11 fire department for the city, et cetera. That's where
 12 the real cooperation happens.
 13 Q The convention center, is there new
 14 interlocal there?
 15 A That's another good example.
 16 Q Is that more recent?
 17 A Yes, it is more recent. It's -- although,
 18 it's been four years. Yes, it is more recent, and
 19 that is one where there's a food and beverage tax.
 20 There is a capital --
 21 Q Who's the -- I'm sorry. Whose food and
 22 beverage tax is it?
 23 A It is a food and beverage tax that every
 24 restaurant and bar collects within the county. The
 25 City's food and beverage tax revenue, which is the

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1 vast majority, is within the city limits.
 2 Of course, the bars and restaurants' goes to
 3 the City's coffers, as it were. The County's go
 4 elsewhere. The County can use our food and beverage
 5 proceeds for economic development and tourist
 6 development. The City will use theirs for the
 7 convention center.
 8 So it's our convention center. We're adding
 9 onto it. We're remodeling it with American Rescue
 10 Plan Act dollars as it stands now. The City is
 11 putting in that food and beverage money to expand it,
 12 a hotel, all of that.
 13 So we have a capital improvement board which
 14 is half City, half County exactly, and then they have
 15 picked a seventh member. We just finished the
 16 memoranda of understanding to move forward with
 17 bonding opportunities for the City to bond off of
 18 their food and beverage dollars.
 19 Q It's fairly more recent that the City agreed
 20 to contribute their food and beverage dollars. Is
 21 that correct?
 22 A No, no, that's been understood all along.
 23 The sticking point has typically been about how -- how
 24 it would be designed and who decides the design and
 25 the location of the buildings, because there's

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1 property that the County owns, property that the City
 2 owns that's involved here.
 3 Q When did the city council approve using its
 4 food and beverage tax for the convention center?
 5 A I don't know what year that was. I don't
 6 remember what year that was.
 7 Q I mean, is that within the last two years?
 8 A No, it's been longer ago. Yeah, it's been a
 9 while.
 10 Q Who owns the convention center?
 11 A Currently, the County.
 12 Q Okay. Does the City own the parking lot?
 13 A They own a piece of the parking lot south of
 14 the current convention center. The County also owns
 15 that big, empty lot across the street that you see out
 16 your window here at this office. And the City now
 17 owns another piece of property that's also outside
 18 this building that -- that they own, so.
 19 Q In your time since you have been a
 20 commissioner, county council, did the City also have
 21 an interlocal agreement with the County concerning
 22 planning?
 23 A The only thing I can say about that with any
 24 certainty -- so I have been on the planning commission
 25 since 2009, and what I can say with certainty is we

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1 have -- we have, since I have been on the planning
 2 commission, have had to deal with city zoning in some
 3 parts of our community -- parts of the county outside
 4 the city because of the Areas Intended For Annexation
 5 agreement, but that agreement was ended years ago by
 6 the mayor, Kruzan.

7 So but we still have that lingering impact
 8 of having to know not just our county zones but also
 9 city zones whenever we deal with something with some
 10 of the properties that have come up that are closer to
 11 the city limits. So it's -- it's very -- if planning
 12 weren't complicated enough, you know, it -- it made it
 13 more complicated.

14 Q It affects both of you; it affects both the
 15 City and the County, the planning?

16 A Sure, sure.

17 Q You mentioned the AIFA, Areas Intended For
 18 Annexation?

19 A Right.

20 Q What's your understanding about that
 21 agreement?

22 A The -- the mayor, I believe it was Mayor
 23 Kruzan, we -- it didn't get renewed.

24 Q Were you a county commissioner at that time?

25 A I don't think so. I may have. I don't

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1 remember what year that was.

2 Q Do you know what the intent was of the AIFA
 3 area?

4 A The AIFA area set aside areas in the county
 5 that the City said they intended to annex at some
 6 point in the future. The idea was to -- to make those
 7 -- that part of the county look more like the city as
 8 it developed so that when it was annexed -- for
 9 example, city streets, state -- City codes for city
 10 design requirements for streets were, especially at
 11 that time when there was AIFA, were very different
 12 than the County's.

13 The County's are now not so different from
 14 the City's, but -- but you know, road width, gutter,
 15 sewer, you know, that kind of thing --

16 Q They were installed to city standards at
 17 that time?

18 A Yeah, that's what they were trying to do.
 19 They were trying to make it look like the city before
 20 it was the city.

21 Q How would you describe the relationship
 22 between the City and the commissioners under the
 23 Hamilton administration?

24 A Poor.

25 Q Why do you --

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1 A I think there was a -- I think there were
 2 problems in communication. I think there was a lot of
 3 difficulties regarding communication. I think -- I
 4 think that's the root of the problem, and the
 5 inability to compromise, work together, a
 6 my-way-or-the-highway kind of attitude.

7 Government takes a lot of collaboration, and
 8 it takes a lot of compromise. You never get what you
 9 want, ever, and that's -- and that's something that I
 10 learned pretty quickly as a commissioner, and I hope
 11 others learn it when they join local government.

12 Q Aside from the annexation, are there other
 13 things in particular that you think were problematic
 14 for that relationship?

15 A I -- it was difficult to work through the
 16 convention center issues. Certainly, that took way
 17 longer than it should have.

18 Q What issues?

19 A Who designs, who decides, who's going to
 20 manage, you know, who's going to manage the
 21 construction project, yeah.

22 Q Anything else in particular besides
 23 convention center?

24 A I'm sure I could think of something if I had
 25 a moment. Nothing really comes to mind right now.

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1 Q How would you describe the relationship with
 2 the commissioners now and the City under the Thomson
 3 administration?

4 A I feel like we have turned a page. It -- it
 5 reminds me of -- it reminds me of more of the days
 6 when Mayor Kruzan was mayor. That was when I first
 7 started in county government.

8 And we don't always agree, but you figure
 9 out a way to make things happen. There is typically
 10 an agreement on a purpose and a goal, not necessarily
 11 on the details. Well, you work the details out. You
 12 give and take. You make it happen.

13 Better communications, more open
 14 communications, that's my sense of it three months in,
 15 not even three months in. But it's good. It's a good
 16 start. I'm happy. It's -- it's optimistic.

17 Q Do you want to take a break? You all right
 18 taking a break?

19 A Sure.

20 THE REPORTER: All right. Off the
 21 record at 2:14 p.m.
 22 (Off the record.)

23 THE REPORTER: We're now back on the
 24 record at 2:22 p.m.
 25 //

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1 BY MR. UNGER:
 2 Q Besides the City's annexations -- I know we
 3 talked a little bit about Ellettsville -- have you
 4 been involved with any other annexations anywhere?
 5 A No.
 6 Q Okay. Have you studied any other
 7 annexations?
 8 A I wouldn't say studied. I have looked at
 9 other state laws, how they operate, especially as
 10 Indiana legislators propose changes to our state laws.
 11 I have looked to see what other states did. So I
 12 wouldn't call that really studying, but I have -- I
 13 have read a little bit on it.
 14 Q Did you study any other Indiana annexations,
 15 any other municipality's annexations?
 16 A No, no.
 17 Q Okay. Have you calculated the residential
 18 population of area 1A or 1B?
 19 A No, that's probably in the report.
 20 Q What report?
 21 A Baker Tilly, but I don't -- but we didn't --
 22 I don't think they separated out separate areas, so
 23 that's why I'm saying no.
 24 Q Any other report besides the Baker Tilly
 25 report that you're aware of?

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1 A There's the Reedy report that the City
 2 commissioned, and there were multiple versions of it.
 3 Q And nothing else, though, with respect to
 4 population that you're aware of?
 5 A I -- we have census-tracked information, but
 6 that doesn't fit the same boundaries as annexation
 7 areas, so.
 8 Q Have you calculated the --
 9 A No, that's not my job, no.
 10 Q Okay. Have you calculated what percentage
 11 of area 1A or 1B is subdivided?
 12 A Can you rephrase that question? Because
 13 unless you have got a piece of land that's 40 acres or
 14 larger, it's been subdivided at some point. So I
 15 don't really know what you mean by subdivided.
 16 Q Have you done any calculation of subdivision
 17 or a percentage subdivided for each area depending on
 18 any definition of subdivision?
 19 A I'm trying to understand. I'm not trying to
 20 be difficult. I'm trying to understand the question.
 21 I'm sorry.
 22 Q Have you analyzed at all to what extent
 23 area 1A and 1B is subdivided?
 24 A I have looked at the lot sizes, because
 25 there are zoning proposals in our comprehensive

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1 development ordinance that we're working on right now,
 2 and that includes consideration of the zoning, and the
 3 zoning for residential areas relates to minimum lot
 4 size. So in that extent, yes.
 5 Q I mean, with respect to the annexation, have
 6 you tried to calculate what percentage of these areas
 7 are --
 8 A No.
 9 Q Okay. What do you believe to be the
 10 significant economic impacts of the annexation of
 11 area 1A and 1B?
 12 A There are multiple impacts. I don't know if
 13 you mean for individuals or if you mean for the
 14 County. I could address both.
 15 Q Let's -- County first.
 16 A Okay. So the impact on the County is that
 17 we would lose revenue on the local income tax side on
 18 the property tax. We would also lose a stormwater
 19 fee, and we would lose motor vehicle highway
 20 allocations for any roads that become City inventory
 21 instead of County inventory.
 22 I know that, just looking at 1A and 1B,
 23 probably 800,000 to a million dollars in MVH is
 24 probably a good ballpark. Again, we commissioned the
 25 Baker Tilly study, but we did not separate out

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1 different annexation areas.
 2 We asked them to look at all of them,
 3 because all of them are on the table at the time. So
 4 in hindsight, I wish I had asked for that separate
 5 calculation.
 6 That's my -- you know, that's something I
 7 have learned, but -- but that local income tax is --
 8 is going to impact. Now, in terms of property tax,
 9 the County still collects its property tax. The City
 10 takes additional tax on top of it.
 11 Now, what happens is, especially when you
 12 have people who are fixed income, moderate income, low
 13 income, in owner-occupied housing, you are going to
 14 have more and more of the circuit breaker coming into
 15 play where they cannot spend more than 1 percent of
 16 their home value on taxes.
 17 When that circuit breaker happens, because
 18 there has now been -- had a city tax added to their
 19 property tax bill, you impact the Township tax base;
 20 you impact the County's tax base. All of those things
 21 impact the operation of county government, township
 22 government.
 23 Township government serves all residents of
 24 the township whether they live in the city or not.
 25 The County serves all residents of the county whether

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1 they live in the city or not.
 2 We have to provide an assessor, an auditor,
 3 a treasurer, a surveyor, commissioners council, so
 4 many of our functions, especially, and most
 5 importantly, on criminal justice side, for a jail,
 6 courts, prosecutor, public defender, et cetera,
 7 community corrections, probation.
 8 That cost is high, and it's fixed. It's not
 9 -- in the sense that it doesn't matter how many people
 10 live in the city versus the county, it's the county as
 11 a whole. That's the service we would have to provide,
 12 and if we start hitting a lot of circuit breakers,
 13 that means other people's property taxes are going to
 14 go up.
 15 But -- but most importantly, it means we're
 16 going to have to cut services from what people have
 17 come to expect from Monroe County, and that's a very
 18 hard pill for me to swallow as a public servant.
 19 And I do know that my conversations with
 20 people in the areas intended for annexation, across
 21 all of them, a lot of conversations had to do with
 22 understanding what the tax impact would be on their
 23 personal property tax for their residence, and people
 24 -- we had public listening sessions.
 25 We had Baker Tilly explain their report to

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1 the public, because we had a Reedy report, and Baker
 2 Tilly found different information and highlighted that
 3 in their report.
 4 We had public listening sessions, and
 5 there's a -- there was a lot of fear and a lot of
 6 concerns that people were going to lose their homes,
 7 because they could not afford what the new taxes would
 8 be.
 9 There's also a fiscal impact on things like
 10 the fire protection district and the school
 11 corporation and the library all because of the circuit
 12 breaker. So those are again services people expect to
 13 have that may now be compromised if there is a
 14 large-scale annexation, but the individual versus the
 15 County are two different things.
 16 Q Is the County's current budget sufficient to
 17 fund county services currently?
 18 A Yes.
 19 Q The -- the financial impact to the County
 20 that you're mentioning, stormwater, MVH, LIT, circuit
 21 breaker, do those -- does your understanding of those
 22 come from anything other than the Baker Tilly report?
 23 A It was the Baker Tilly report. And -- and
 24 when annexation was first proposed, we had another
 25 study done by Financial Services Group, FSG, and there

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1 was some information missing.
 2 So I was -- I was glad that we did the Baker
 3 Tilly as a second report, especially once we had the
 4 Reedy report. So Reedy, Baker Tilly, were really the
 5 key.
 6 Q Okay. The FSG report, had that ever been
 7 updated at all?
 8 A No.
 9 Q Okay. You haven't had any discussions with
 10 the authors of that since?
 11 A No.
 12 Q Okay. So I just want to make sure. Besides
 13 the Reedy and the Baker Tilly report, is there
 14 anything else that you rely on for purposes of
 15 determining what the financial impact is to the
 16 county?
 17 A Well, I -- I have had conversations with
 18 various department heads, specifically, you know, to
 19 talk to Lisa Ridge and say, you know, "How much do you
 20 think we're going to lose here in terms of inventory,"
 21 because she knows that better than I would.
 22 Q Who is Lisa Ridge?
 23 A Lisa Ridge is our highway director. So you
 24 know, those -- those kinds of conversations. I think
 25 there would be a cut in the number of sheriff's

Page 61

1 deputies, right, if there's fewer residents outside
 2 the city.
 3 I don't know what that would be, and that
 4 would be up to the sheriff to calculate. So my focus
 5 has really been on the side of county government where
 6 the commissioners are responsible.
 7 Q I mean, the employees you're talking about,
 8 they didn't do their own calculation of what the
 9 financial impact would be other than look at what the
 10 Baker Tilly report said and tried to account for that?
 11 A Right. You know, they -- they can look at
 12 the number of properties and calculate stormwater,
 13 right, how much stormwater fee we lose, for example.
 14 So it's -- it's sort of the back-of-the-envelope kind
 15 of ballpark guessing.
 16 Q Who at Baker Tilly prepared the report?
 17 A I do not remember their names, but I know
 18 their names are on the report. I can picture them in
 19 my mind, but I do not remember their names.
 20 Q Did you do anything to help prepare the
 21 report?
 22 A No, we -- we just gave them the parameters.
 23 Q I believe we're on Exhibit 52, is the next
 24 number that we're using.
 25 //

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1 (Exhibit 52 was marked for
2 identification.)
3 A I feel like I have missed so much. Lordy,
4 I'm going to have to get my glasses out. Do I need to
5 get my glasses out? I need to get my glasses.
6 Q Yeah, probably. We can go off the record
7 while you do that.
8 THE REPORTER: All right. Off the
9 record at 2:34 p.m.
10 (Off the record.)
11 THE REPORTER: We are now back on the
12 record at 2:34 p.m.
13 BY MR. UNGER:
14 Q So I have marked a document as Exhibit 52.
15 Do you understand this to be the Baker Tilly report
16 that we have been discussing?
17 A Yes, yes.
18 Q Has this report been updated at all?
19 A No.
20 Q Have you had any conversations with anyone
21 at Baker Tilly recently about the report?
22 A No.
23 Q So I'm clear, can you show me, in the Baker
24 Tilly report, what portions you rely on for your
25 understanding of the impact to the County? And maybe

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1 if I help, direct you to page 8, you might look at
2 that.
3 A Right. I -- while their focus has been and
4 often was on the information on page 8, for residents,
5 our focus was on what their tax bills would look like
6 and how they would be different.
7 And we put that calculation that's on this
8 paperwork into our website so people could actually
9 enter their own current property tax, and they could
10 get an estimate back of what their new property tax
11 would be. I think that was the best service we
12 offered to our residents, because Reedy didn't have
13 that.
14 Yes, we do have information here about
15 stormwater, TIF revenue, gasoline wheel tax, local
16 tax, local income tax, the impact of circuit breakers,
17 but we also have to consider the fact that even though
18 we are not the government of Ellettsville and
19 Stinesville, that they have a small impact.
20 But we have an impact on the schools, the
21 school corporations, the library. The townships, each
22 of the townships has -- has an impact, and in each
23 case, somebody has to provide that service. And the
24 solid waste district would have an impact. The fire
25 protection district would have an impact. And this is

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1 going to be an annual impact.
2 Q So I want to -- with respect to the County,
3 on page 8, it shows, if I'm reading the report
4 correctly, there's a line that said net revenue impact
5 in year 1, you know, 1.33 million; in year 2, 2.737
6 million. Do you see that?
7 A Mm-hmm.
8 Q Is that what you based your estimated impact
9 to the County on?
10 A Yes.
11 Q Okay. Is it your understanding that the
12 report projects that the County will have to cut their
13 budget by \$2.7 million in year 2?
14 A Yes.
15 Q Do you believe, as a result of annexation,
16 that the County will have to make cuts to services?
17 A Yes.
18 Q There are some services that the County no
19 longer has to provide. You understand that -- in the
20 annexation area?
21 A Right, right.
22 Q Street and road maintenance, for example,
23 and --
24 A Right. Stormwater.
25 Q In addition, above and beyond those services

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1 that the City takes over, do you believe the County
2 will have to make additional cuts?
3 A Yes, I believe the County will be in a
4 position of having to make additional cuts, because I
5 think that, you know, this is only a two-year map
6 here.
7 You have to remember this is every year and
8 that that circuit breaker, I think -- I think, is
9 going to become an even bigger problem over time, not
10 less of a problem over time.
11 And that is directly going to impact every
12 single taxing unit, including the County, and it's not
13 just you have fewer deputies; it's okay. But this is
14 where, now, you have to figure out where you're making
15 other cuts.
16 Q So it's your understanding, because of the
17 circuit breaker growth, the City will lose more and
18 more money every -- or I'm sorry -- the County will
19 lose more and more money every year?
20 A Mm-hmm.
21 Q Was that --
22 A Yes. Thank you.
23 Q Thank you. Has the County done any studies
24 on cuts that would need to be made?
25 A When annexation was first proposed, we had a

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1 number of meetings with our department heads. And
 2 this is before the Baker Tilly report, so this is at
 3 the very beginning. And we were talking through with
 4 the council, because the council makes that final
 5 decision about where those cuts would be.
 6 Q And so at that time, all the department
 7 heads believed they would need to make budget cuts as
 8 a result of the annexation?
 9 A I wouldn't say all the department heads. I
 10 mean, we do have a department of weights and measures
 11 that is one person. So yeah, no, we wouldn't be
 12 cutting that, and of course, they work through the
 13 whole county.
 14 So not every -- not every department, but
 15 certainly, that -- that could be -- impact a number of
 16 departments in -- in ways that they may not have
 17 anticipated.
 18 Q But are there no reports or studies on --
 19 A No, it was -- it was -- no.
 20 Q Okay. Thank you. Do you know what the
 21 County's current cash reserves are?
 22 A If I was on the council, I could tell you.
 23 I don't know right offhand.
 24 Q Do you understand it to be over \$60 million?
 25 A I don't know.

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1 Q If it is over \$60 million, do you think the
 2 County would still need to make cuts as a result of
 3 the annexation?
 4 A Yes, because I -- to say -- I think -- I
 5 think the issue is this. When you say reserves, I'm
 6 thinking about the rainy day fund. That's the only
 7 fund I think of as a savings account for the County.
 8 Reserves are a lot of things. There is
 9 money sitting in reserves that's earmarked for other
 10 things and bonds money. So I'm just thinking in terms
 11 of the rainy day account, which is the County savings
 12 account. I know that we don't have that much in
 13 there, and I -- I know Ellettsville's, right now, is
 14 -- is under a million.
 15 So I know that -- that we don't have that
 16 much in ours, but no matter what, we would, because
 17 you always want to have money in your rainy day
 18 account, just like you want to have in a savings
 19 account at home.
 20 And the -- the -- again, the problem with --
 21 the problem with this report is that it's for all the
 22 annexation areas. The problem with everything that we
 23 studied, it's for all the annexation areas.
 24 I think we -- we don't have anything that
 25 delineates 1A and 1B, and I -- and I don't think that

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1 -- I think I'm more worried about -- and maybe that's
 2 incorrect, but I, as a public servant, I'm more
 3 worried about the individual who's afraid of losing
 4 their home due to the inability to pay taxes than I am
 5 about county government having to shape, reshape,
 6 revise how we do business to accommodate.
 7 Q Is it fair to say, annexation or no
 8 annexation, the County will continue providing
 9 services to county residents?
 10 A The County has to continue providing service
 11 to residents, and -- and obviously, the most expensive
 12 one of those is criminal justice. And we do provide
 13 that, because we have a unified court system for
 14 everyone.
 15 Q Do you -- what do you believe to be an
 16 adequate cash reserve balance for the County?
 17 A The County should have enough cash reserves
 18 so that if there is an emergency, so that if something
 19 happens, the world is burning, that we can continue to
 20 operate.
 21 There is a range of -- of thought on whether
 22 that should be a 1-year amount of money or an 18-month
 23 amount of money to actually manage to fund County
 24 operations.
 25 Q What's your thought?

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1 A I would always rather have 18 months, but at
 2 the same time, if there's something out there that we
 3 can do for residents now to make their lives better,
 4 then sometimes it's okay to go down to 12 months, but
 5 I'm not the county council.
 6 Q What evidence do you have aside from the
 7 Baker Tilly report and the calculations that are
 8 available there or the Reedy report? Do you have any
 9 evidence of the financial impact on landowners or
 10 residents in the annexation territories?
 11 A And that's when you really get into personal
 12 knowledge and experience. It's, you know, knocking on
 13 people's doors and talking to them about it.
 14 It's having the public meeting and having
 15 folks come in and ask questions of Baker Tilly, having
 16 Baker Tilly explain how to calculate your new tax rate
 17 based on the 2021 tax bill, and -- and hearing that
 18 fear in their voices, "I don't know how I'm going to
 19 be able to pay for this." And that's -- that's
 20 significant. It's -- it is very significant.
 21 Q You understand annexation adds a layer of
 22 tax, municipal tax layer?
 23 A Sure.
 24 Q So property taxes will go up. Is there a
 25 figure that you believe is an appropriate increase in

Page 70

1 property taxes?

2 A I -- I wouldn't hazard to guess, because if

3 -- if you were in a county that was a -- a county

4 resident, and a city had a lower tax rate than another

5 city, then your taxes would be lower. I -- it's up to

6 the City to figure out what their taxes are going to

7 be and their budget is going to be.

8 Q Do you have any other data or evidence of

9 financial impact to -- aside from what people have

10 told you in meetings, any other data, specific reports

11 you're aware of?

12 A No, I just would say that I know that in

13 conversations with the fire protection district, some

14 board members there, in conversations with township

15 trustees especially, that there is a real concern

16 about their ability to make ends meet, because they

17 are -- they are the providers of poor relief in our

18 county, and they're vital. So if they can't do it,

19 somebody has to do it.

20 Q Are you familiar with the City's tax rate?

21 A No, not -- no. Outside of the Reedy report,

22 no.

23 Q What do you believe the average impact to be

24 on property owners as a result of the annexation?

25 A Well, that is in -- I believe that was in

Page 71

1 the Baker Tilly report, if I'm not mistaken, or it may

2 be that we ran some figures.

3 There's one in here that's already -- page 2,

4 there's your 49.75 percent increase, which may not

5 seem like a lot to folks who are working and making

6 money and earning money but is a lot to somebody on a

7 fixed income. So that's -- that's an example right

8 there.

9 Q So you don't -- you agree it's not always a

10 significant financial impact?

11 A I think you would have to run commercial

12 enterprises and residential enterprises. And you

13 know, commercial enterprises tend to be better at

14 absorbing those kinds of percentages, because they can

15 raise prices and find ways to make money as business

16 owners, but it's harder for somebody on a fixed income

17 to do that.

18 Q Have you reviewed any personal financial

19 information of any landowners, resident, or any

20 business?

21 A No.

22 Q If the County netted 10 million more dollars

23 a year in its budget, in its coffers, than was

24 estimated for purpose of the Baker Tilly report, would

25 that change your opinion with respect to the impact on

Page 72

1 the County?

2 MR. BEGGS: I'm going to object to the

3 foundation. Object to the form. Did you say if the

4 county netted \$10 million in its coffers?

5 MR. UNGER: Additionally, yes.

6 MR. BEGGS: In addition to what?

7 MR. UNGER: In addition to the current

8 funds that the County has.

9 MR. MCNEIL: Than were estimated in the

10 Baker Tilly report.

11 THE WITNESS: So -- okay. So you want

12 me to imagine a situation where, following annexation,

13 the County actually gets increased taxes into -- as a

14 result of annexation?

15 BY MR. UNGER:

16 Q No, let me ask it again.

17 A Yeah, I'm -- I'm struggling with it.

18 Q Your understanding, again, of the Baker

19 Tilly report is the County will lose roughly

20 \$2.7 million a year. Right? We have established

21 that.

22 If instead of losing \$2.7 million a year,

23 the County netted an additional \$10 million more than

24 was estimated for purposes of the Baker Tilly report,

25 would that change your opinion?

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1 A To me, that's a question about, you know,

2 "Hey, if you put a horn on a horse, is it a unicorn?"

3 I don't know. I -- I don't know how that could even

4 happen.

5 My -- my opinion of annexation is more

6 focused on the impact of -- on residents who lose

7 homes because they cannot afford the taxes, and that's

8 been my bigger concern all along.

9 Yes, I have concerns about County

10 departments, County financials, County budgets, you

11 know, how we absorb a loss, how we manage that, you

12 know, who loses their job, but my -- my bigger concern

13 is the significant financial impact on the residents

14 in the annexation areas, because their lives are going

15 to change in a big way.

16 Q Do you think if the County netted \$8 million

17 more a year in tax revenue than what was estimated at

18 the time of the Baker Tilly report, the County would

19 still need to make cuts?

20 MR. BEGGS: Object to form and

21 foundation.

22 A I -- I can't answer that, because I don't

23 know how that could happen. It's too -- too much

24 fantasy for my -- for me to answer.

25 Q Did you oppose the adoption of an economic

Page 74

1 development LIT in Monroe County?

2 A I oppose the way that it's done. And again,

3 it followed state law, but we live in a -- in a

4 situation where, because of something called the tax

5 council, the City of Bloomington, without the voters

6 of Monroe County who live outside the City of

7 Bloomington, has been making decisions about tax that

8 has impacted every county resident, and I find that

9 abhorrent.

10 That is a -- that is a structural issue.

11 It's not -- I'm not mad at the city council. It's the

12 state that allows that to happen. I have concerns

13 about insuring that we do not overtax our county

14 residents, no matter where they live, city or county.

15 And if we're building a jail, we are going

16 to be looking at a local income tax to pay for a jail,

17 and there is a point where we cannot collect anymore

18 taxes from the people of Monroe County, and I fear

19 that we are getting to that point.

20 Q Do you believe the economic development LIT

21 was an overtax of county residents?

22 MR. BEGGS: Object to the form of the

23 question. Object to the foundation.

24 A I'm not sure how to answer that. I -- I --

25 I'm not sure what information I can give you that

Page 75

1 you're looking for. So I think -- I think any tax has

2 to be taken very seriously, because it is a tax on

3 income. And what are we providing residents in return

4 for that money?

5 BY MR. UNGER:

6 Q Do you know how much additional revenue the

7 economic development LIT generates for Monroe County?

8 A I don't. I don't want to say, because I --

9 I'm not sure. I don't. I'm not sure of that number.

10 Q Does the County intend to spend that money

11 and use it?

12 A Yes.

13 Q No intention of returning it to the

14 taxpayers?

15 A How would you do that?

16 Q I'm asking you.

17 A I don't know. How would you do that?

18 Q If there was a way to do it, would you

19 support that?

20 A I -- I would, but that's a council -- this

21 is a council question.

22 Q When was it adopted?

23 A I'm not sure.

24 Q Can you -- within the last couple of years?

25 A Yes.

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1 Q Okay. Since 2021?

2 A Yes.

3 Q Yeah. What other LITs, local income taxes,

4 have been adopted for Monroe County?

5 A There is a -- well, there's the PSAP, which

6 we have already talked about, the public safety

7 answering point dispatch. There is a juvenile LIT.

8 There is a general LIT, I believe.

9 Q What's the juvenile LIT?

10 A The juvenile LIT is for Juvenile Probation

11 Youth Service Bureau, so.

12 Q Any others?

13 A Not that I can think of, but I'm sure there

14 are.

15 Q Okay. Were you opposed to either of those

16 LITs when they were adopted?

17 A No.

18 MR. UNGER: Exhibit 28, is that the --

19 MR. MCNEIL: Interrogatories.

20 MR. UNGER: Yeah. Do you need a copy,

21 Bill, of the interrogatories?

22 MR. BEGGS: You said 28. Right?

23 MR. UNGER: Yeah.

24 MR. BEGGS: Thank you.

25 MR. COCKERILL: I will take one.

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1 MR. UNGER: You want a copy, Jeff?

2 MR. COCKERILL: Yes.

3 BY MR. UNGER:

4 Q I handed you what's previously been marked

5 as Exhibit 28, which is the County Residents Against

6 Annexation's supplemental answers to the City of

7 Bloomington's interrogatories. Have you ever seen

8 this before?

9 (Exhibit 28 was previously marked for

10 identification.)

11 A I may have. I may have.

12 Q Recently?

13 A I don't know. There -- there are so many

14 documents relating to this case. And you know, when I

15 have looked at my case, I will see them sometimes, and

16 I don't know one from another, necessarily, so I -- I

17 won't be able to say.

18 Q I'm going to have you turn to page 5. And

19 this is -- so you understand, the City asks written

20 questions to County Residents Against Annexation, and

21 then they respond to them in writing.

22 If you look down on -- if you actually turn

23 to page 6, so this is a question related to equitable

24 terms and conditions relating to the annexation. And

25 if you turn to page 6 --

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1 A I'm not sure what's meant by equitable terms
 2 and conditions, so I will leave that for that. Okay.
 3 Q About halfway down the page, do you see your
 4 name?
 5 A Mm-hmm.
 6 Q "Julie Thomas is anticipated to provide
 7 testimony regarding the lack of equitable provision of
 8 transit service and other infrastructure to areas 1A
 9 and 1B if annexation proceeds." What is the lack of
 10 equitable provision of transit service?
 11 A Well, this -- this relates to issues
 12 regarding -- there is Bloomington transit. There is
 13 rural transit. Rural transit serves multiple
 14 counties.
 15 Bloomington transit is funded partially by
 16 federal dollars, partially by the economic development
 17 income tax. That was more capital purchasing but also
 18 by property tax owner -- property taxpayers in the
 19 city of Bloomington, property owners in the city of
 20 Bloomington.
 21 So this is -- the current issue we're having
 22 relates to the fact that the federal government has
 23 now said that some parts of the county outside of the
 24 city are indeed densely populated.
 25 And as a result, rural transit cannot serve

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1 them, because rural transit is USDA funded and
 2 intended for rural residents. So the question is, how
 3 do you provide bus service to people in Ellettsville?
 4 How do you provide bus service to people who live in
 5 Unionville?
 6 And what happens is the federal government
 7 provides funding to Bloomington transit to serve all
 8 of the densely populated areas in the county, whether
 9 they're in the city or not, and the City does not
 10 share those with rural transit.
 11 So we have cobbled together service for
 12 Ellettsville and other more-densely populated parts of
 13 the county through the end of -- well, through March.
 14 We hope to cobble something together to the end of the
 15 year, and at some point, we're going to have to figure
 16 something out.
 17 But the City is receiving money that it is
 18 -- for the services that is not being shared with us
 19 as we try to provide service.
 20 Q So your concern is with respect to the way
 21 in which cities share funding currently to serve dense
 22 areas outside of the city limits?
 23 A Right, with federal funds. Right. It's the
 24 federal funds. Right. So this is -- it's a current
 25 issue. So it is a current issue.

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1 Q Okay. Is there anything else? I just want
 2 to make sure I understand completely what's meant by
 3 this provision. Is there anything else with respect
 4 to the equitable provision of transit service that you
 5 would be talking about here?
 6 A Regarding transit, can't think of anything
 7 right now, but I don't have notes with me either, so.
 8 Q What about other infrastructure; what's that
 9 talking about, the lack of equitable provision of
 10 other infrastructure? That's the way I'm reading it,
 11 so I just want to understand what that means.
 12 A You know, I think this is a lot. For me,
 13 this -- this relates mainly to the fact that we have
 14 the offer sometimes, and other times not, of sewer
 15 service.
 16 But really, that's a benefit to the City
 17 sewer district, not, you know, that we have other ways
 18 of ensuring that we have sewer service on a piece of
 19 property that's being development. It is --
 20 Q You're talking about sewer service outside
 21 of the City's boundaries when you're talking about
 22 that?
 23 A Right, right. I mean, that's -- cities
 24 don't provide sewer service out of the goodness of
 25 their heart. They just don't. They do that because

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1 it will help their line of revenue.
 2 In other words, it will cost them less to
 3 provide more service than they're going to gain in
 4 fees and -- and taxes. I don't think -- I think that
 5 there are concerns for -- and I just want to make sure
 6 that I'm -- I'm taking a moment here.
 7 I'm taking a beat here, because I want to
 8 make sure that I am focused on the correct aspect here
 9 of equitable terms and conditions. I want to make
 10 sure that I understand the range of this question.
 11 Q Take your time. The question is on page 5
 12 if you want to review it.
 13 THE WITNESS: I think I would ask who
 14 at this table will provide an explanation of the
 15 failure to include equitable terms and conditions. Is
 16 there somebody at this table who will define it so
 17 that we're all on the same page?
 18 BY MR. UNGER:
 19 Q No, I think you're the one that has to
 20 answer the questions and stuff, and I will try to help
 21 you. Let's try to help through it.
 22 So it says that the annexation ordinances
 23 fail to include equitable terms and conditions as
 24 required by a statute, according to the question. Are
 25 you aware of any equitable terms and conditions that

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1 the annexation ordinance fails to include that you
 2 believe they should include?
 3 A Again, I -- I need some clarity about what
 4 that means in terms of equitable -- equitable terms.
 5 What does that mean? Does that mean between city and
 6 county residents?
 7 Q It means -- it says here you're going to
 8 testify about equitable terms and conditions, the lack
 9 of equitable terms and conditions. What is that to
 10 you?
 11 A To me -- to me, that is about the concerns I
 12 have regarding the City's ability to actually provide
 13 service to these areas, because there are so many
 14 areas, that it is a -- it is telling that the last
 15 annexation areas still do not have sufficient services
 16 based on what they were promised years ago.
 17 And the concern is -- is that there are some
 18 very interesting aspects of annexing. For example, in
 19 1A, you have people who are covered currently by the
 20 fire protection district who would remain protected by
 21 the fire protection district.
 22 Yet on the western part of annexation
 23 area 1A, I believe, is Richland Township. They are
 24 not part of the Monroe County Fire Protection
 25 District. So any Bloomington fire protection would

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1 have to be extended to Richland Township residents
 2 after that fire truck has driven through another fire
 3 district territory.
 4 In other words, it doesn't make logical
 5 sense. Those Richland Township residents currently
 6 are served by Ellettsville via a contract between the
 7 Richland Township Fire Department and the Ellettsville
 8 Fire Department.
 9 So I think there are some -- some key issues
 10 here and some bigger issues here that -- that will
 11 absolutely need to be addressed and would need to be
 12 considered.
 13 I don't -- I don't know how the City can
 14 provide sufficient police service if -- in an
 15 annexation area if they already struggle to do so in
 16 the city limits. Those are some examples. That's my
 17 reading of equitable.
 18 Q Is there anything else? And I'm just trying
 19 to understand what you're going to testify about at
 20 trial and make sure I know, I have a fair opportunity
 21 to understand what you're going to testify about.
 22 A Sure, sure.
 23 Q So is there anything else with respect to
 24 this question that you might expect to testify about?
 25 A I think one -- I think one of the other

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1 concerns I have is with the fact that the -- the City
 2 had accused -- the city council members, specifically,
 3 had accused residents of the county of sort of, you
 4 know, being -- of being freeloaders.
 5 And that word was used in a city council
 6 meeting, which was really unfortunate, that, somehow,
 7 county residents who don't live in the city are living
 8 off the largesse of city residents who pay a higher
 9 tax or for the opportunity to live in the borders of
 10 the City of Bloomington.
 11 And you know, I think that was -- that was
 12 an error in many ways. I don't think that there -- I
 13 don't think the City should assume that people want to
 14 live in it.
 15 I think the City should -- a city, any city,
 16 should assume that if people want an arts program, and
 17 they want bus service of a particular type, that they
 18 would move into the city if they wanted those
 19 services.
 20 People -- people, when they -- if they come
 21 from outside the county, when they move to Monroe
 22 County, they have a choice: "I'm going to live in
 23 Ellettsville," "I'm going to live near Ellettsville,"
 24 "I want to live in Stinesville. It's a cute little
 25 place," "I want to live in the City of Bloomington,"

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1 "I do not want to live in the City of Bloomington."
 2 People made those decisions. It could be
 3 based on the price of the home. It could be the
 4 neighborhood. It could be where their family lives.
 5 But there is -- there is nothing that makes one a
 6 freeloader if they don't live in a town or a city but
 7 maybe visit it or go to a restaurant or see their
 8 friends in it.
 9 But so that -- so that's an issue. I just
 10 don't think there is a clamoring for the kinds of
 11 things in the City of Bloomington that the people of
 12 Monroe County were accused of freeloading for that
 13 would -- would bring that to the level of, yes,
 14 everybody in Monroe County wants to live in the City
 15 of Bloomington. They don't necessarily want that for
 16 their own reasons, so.
 17 Q If the annexations of areas 1A occur and
 18 become effective involuntarily, are there other terms
 19 and conditions you believe should be in the annexation
 20 ordinances that aren't in there currently?
 21 MR. BEGGS: Object to form.
 22 Foundation.
 23 A Yeah, I -- that's -- that's going back to my
 24 magical unicorn. I -- the -- the ordinance exists.
 25 It -- it would have been -- I think there had been

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1 discussions since the time of the ordinance coming to
 2 fruition in the City.
 3 I think that there have been some
 4 discussions that say, "Well, you know, maybe" --
 5 "maybe there's a way we can help. Maybe there's a way
 6 we could delay annexation for five years." Well, if
 7 you're on a fixed income, five years isn't going to
 8 make a huge difference in your ability to pay a higher
 9 tax bill.
 10 So you know, those are very general
 11 conversations among residents and, you know, that kind
 12 of thing. So I -- I don't know how this could be made
 13 better because of the impact on individual homeowners.
 14 Q You mentioned, earlier, other areas that the
 15 City has annexed where they're not providing services.
 16 What are you talking about?
 17 A Right. I can think of a couple offhand. I
 18 do not remember the name of the neighborhood, but it
 19 is the one that is northeast of campus, Brownlee
 20 Street. They -- I believe they still are on septic.
 21 There is the Broadview neighborhood. There
 22 are a number of locations within the city where they
 23 are clamoring for sidewalks still, whether they were
 24 recently annexed or not. So those are the kinds of
 25 things that I'm aware of.

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1 Q Like do you have any specific knowledge of
 2 why the City -- so let me back up. You said Brawlee
 3 Street?
 4 A Brownlee.
 5 Q Brownlee. Sorry. My notes were bad.
 6 Brownlee Street.
 7 A Brownlee, I believe, is the name of the
 8 street. So it's a -- it's a little alcove place that
 9 was annexed, where I believe they still have septic.
 10 Q Do you have any information about why they
 11 are still on septic?
 12 A No.
 13 Q Okay. And you mentioned Broadview --
 14 A Neighborhood.
 15 Q -- neighborhood not having sidewalks. Do
 16 you have any information on why they don't have
 17 sidewalks?
 18 A No, that's -- that's the city council
 19 business
 20 Q Okay. Number 11 on page 10, and referring
 21 back to Exhibit 28, the question was "Identify and
 22 list all facts and documents supporting your
 23 contention in the Petition that the territories sought
 24 to be annexed do not involve an economic development
 25 project and identify each witness you intend to call

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1 in support of your contention."
 2 And you will see there, at the bottom of
 3 page 10, in the supplemental answer, the second
 4 sentence, it says "Furthermore, if called to testify,
 5 Julie Thomas," along with others, will "be asked to
 6 testify about the absence or presence of economic
 7 development projects within Areas 1A and 1B." What
 8 does that mean?
 9 A As -- as it notes, there are no projects
 10 that we're aware of that are City economic development
 11 projects that are outside the city in those areas 1A
 12 and 1B.
 13 Q So you're just referencing that the City
 14 doesn't have any city projects in those areas?
 15 A Correct.
 16 Q Okay. Are you saying that the County does
 17 not have economic development occurring in those
 18 areas?
 19 A We do have economic development occurring in
 20 those areas.
 21 Q Okay. You're not opposed to economic
 22 development in areas 1A and 1B. Are you?
 23 A No.
 24 MR. BEGGS: Sorry. I couldn't hear the
 25 question.

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1 MR. UNGER: I asked if she was opposed
 2 to economic development in areas 1A and 1B.
 3 BY MR. UNGER:
 4 Q Do you agree that sewer and water service is
 5 necessary for economic development projects in area 1A
 6 and 1B?
 7 A Not always. Water, yes, but we have water
 8 everywhere in the county through our water
 9 corporations. Sewer may or may not be necessary. It
 10 depends on what it is.
 11 Q Do you agree it's necessary for dense
 12 development?
 13 A Not necessarily sewer, but a package plant,
 14 it could be Richland's water, wastewater. It could be
 15 City of Bloomington's wastewater. There are a number
 16 of different ways, but yes, based on state law, if you
 17 are going to put more than one residence in an acre,
 18 you have to have a different form of wastewater
 19 disposal.
 20 Q I'm sorry. Did you mention in there -- did
 21 I hear you say Richland could serve?
 22 A Yes.
 23 Q Have you done any studies on Richland's
 24 ability to serve areas 1A and 1B?
 25 A That's -- no, I have not. They have just

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1 expanded, though, so.

2 Q Page 14 of the exhibit, if you don't mind,

3 which is question 13.

4 A Question 13?

5 Q I'm sorry.

6 A Question 15?

7 Q Yes, sorry. It asks to identify documents

8 and facts supporting your contention that the Monroe

9 County commissioners oppose the annexation ordinances

10 because they will negatively impact landowners,

11 identify the specific negative impacts, and identify

12 positive impacts, and identify each witness you intend

13 to call in support of your contention.

14 And then you will see, in the supplemental

15 answer, your name. It is anticipated that Julie

16 Thomas will testify in her capacity as Monroe County

17 commissioner regarding their continuing opposition,

18 the negative impacts of annexation on Monroe County

19 and its citizens.

20 Is there -- I know we have talked about

21 several things today. Is there anything else about

22 negative impacts that you can -- that I can expect you

23 to testify about that you haven't already talked

24 about?

25 A I do not believe so.

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1 Q I assume you have never prepared an

2 annexation fiscal plan?

3 A No.

4 Q Have you -- besides the Reedy fiscal plan

5 and the Baker Tilly report, have you ever studied an

6 annexation fiscal plan before?

7 A I have. It was from another state, another

8 city. I don't -- it was somewhere in my homework when

9 this first started years ago. I remember looking at

10 some fiscal plans, because we were thinking about

11 contracting with somebody to make one, and I didn't

12 know what to expect. I couldn't give you particulars.

13 Q Did you do anything to compare the fiscal

14 plans, the other ones you reviewed, to Bloomington's

15 fiscal plans?

16 A No, no.

17 Q Okay. Do you know what the statutory

18 requirements are for a fiscal plan?

19 A I -- I know some of it. I know some of it,

20 enough to be dangerous. I know that that fiscal plan

21 needs to be presented to the people who live in the

22 areas that are targeted for annexation, and they are

23 supposed to have public meetings where they can go and

24 learn more, hosted by the City, to go and learn more

25 about this financial information.

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1 And what's concerning to me is that the --

2 the Reedy report, when I looked it up, I found a

3 version five which I didn't even know existed, as much

4 as I have been doing this.

5 So that was disconcerting, because that came

6 years after a public meeting was held for residents

7 who had been targeted for annexation. So I -- I feel

8 -- I understand that it is difficult to put out a

9 fiscal impact statement, because it is a moving

10 target.

11 It's always a moving target. People are

12 moving in and out of the community, and things change

13 all the time. But at the same time, I think that

14 highlights the danger of such a large annexation in

15 one fell swoop.

16 That's why this is so difficult to do, is

17 because this is too much, too quickly. I think it

18 needs to be incremental, smaller, with the people who

19 are impacted directly involved.

20 Q You said you didn't know that version five

21 existed until recently. When did you learn it

22 existed?

23 A Because I was -- I was looking at -- I was

24 looking for something on the bonds, on the total

25 bonding capacity, and I just did a search on the

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1 City's website.

2 Q What were you looking at total bonding

3 capacity for?

4 A Because it was much higher than I remembered

5 it being in the first Reedy report, because now

6 they're up to 22 to 33 million, although that -- that

7 is -- granted, that is for the entire area. So they

8 haven't separated things out either. That's the other

9 problem.

10 Q Do you believe that the Reedy fiscal plan

11 fails to comply with the Indiana code?

12 A I believe it should have been available to

13 residents and to the city council before they voted,

14 not after.

15 Q So it's your belief that it wasn't available

16 before they voted on it?

17 A They issued a new version. I don't know

18 what other versions existed in between either, and I

19 don't know where those are. That's a little

20 concerning to me.

21 Q Did you -- have you done anything to compare

22 version five to the prior versions?

23 A No, no, I have not had time to do that.

24 Q Okay. You don't know the differences?

25 A No, but I'm -- I'm going to look at it. I

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1 plan to.

2 Q Aside from your concerns with the timing, do

3 you have any -- aware of any other reason it fails to

4 comply with the statute?

5 A I think if you compare -- and here's the

6 issue again, because it's the old Reedy report that we

7 originally had when Baker Tilly did their report in

8 July of 2021 -- you can see that there are differences

9 between Reedy's numbers and Baker Tilly's numbers in

10 July of 2021. That is -- that is concerning to me.

11 Q Any other things you're aware of that you

12 believe fail to comply with the statute?

13 A Those are key. That's it.

14 Q That's it. Okay. Thank you. Do you

15 believe that the fiscal plan, the Reedy fiscal plan,

16 fails to accurately assess the fiscal impact of the

17 annexation?

18 A On? Can you reframe the question?

19 Q On either the County or on city residents or

20 on annexation territory residents?

21 A I -- I think it fails to accurately reflect

22 the impact on an individual homeowner, which is why we

23 did our Baker Tilly report with the sample tax bills

24 so that people could actually find out for themselves

25 what -- what the difference would be for them.

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1 And it may not be a lot, or it may be a lot

2 of money. So I think there was a lack of information.

3 I don't -- I wouldn't say inaccurate, but I would say

4 there was a lack of information for individual

5 residents to find out what the fiscal impact would be

6 on their budget, on their home.

7 And I think, in terms of not just the county

8 but every single taxing unit, there was a lack of --

9 of clear and accurate information about the potential

10 impact of annexation.

11 Q Do you know what the differences were in the

12 Reedy report and the Baker Tilly report to account for

13 those differences?

14 A I do know, but I have -- I cannot recall at

15 this moment what it was, but I do remember that there

16 was something very specific about how they calculated

17 some of the taxes in the Reedy report was inaccurate,

18 and Baker Tilly pointed it out in their letter.

19 So I will take a moment here and see if it's

20 in this or if it's something they said in public at

21 our meetings. Yes, they talk about, here, on page 13,

22 in the notes section, yes, these are the differences,

23 the different assumptions that were made about net

24 assessed value and about levy and LIT. There were --

25 there were other taxing issues that are different. So

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1 those, I think, would be the keys I would focus on

2 there.

3 Q So let me ask this. Do you think the Baker

4 Tilly report accurately accounts or determines the

5 financial impact to individual landowners?

6 A I believe that Baker Tilly came up with a

7 way for individuals to assess for themselves what the

8 impact will be on their individual tax bill, something

9 that Reedy never did, something that at least people

10 have that chance.

11 Now, this all -- this all differs when

12 somebody is a disabled veteran over 65. Right? And

13 there's different tax rules, but at least there's

14 something here where an individual can figure out what

15 it's going to be, because otherwise, you may hear

16 50 percent increase, and that may or may not be

17 accurate, but it's better to find out on your own

18 property.

19 Q It's a parcel-by-parcel analysis?

20 A It is. It has to be. It has to be.

21 Q Okay. Are there any other deficiencies in

22 the fiscal plan, the Reedy's fiscal plan, anything

23 else that you believe is a deficiency in the Reedy

24 fiscal plan other than what we have talked about

25 already?

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1 A No, I think -- I think that there is --

2 anywhere on this Baker Tilly report, you will see --

3 let me thumb through here again to the right page. I

4 used to know this like the back of my hand. I'm

5 getting back to that.

6 You can see, in the Baker Tilly report, on

7 pages 8, 9, 10, and 11, that you can see in -- in

8 every instance where they are comparing their piece

9 with what the Reedy group said in their report and

10 saying, "Hey, this is off by this much or this much.

11 It may be pro. It may be positive. It may be

12 negative."

13 So all of this, I would take into account.

14 Again, this is all the annexation areas, not just 1A,

15 1B, so some of it may not be applicable.

16 Q Anything other than the Baker Tilly report?

17 A No.

18 Q Okay. Again, I just want to ensure that you

19 don't get on the stand and say something different

20 that I'm not aware of.

21 A No.

22 Q Okay. Are you a part of County Residents

23 Against Annexation?

24 A Yes.

25 Q Have you -- what's your role been with --

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1 A I'm on the board of directors.

2 Q Okay. What does that usually entail?

3 A We meet two -- sometimes once a month,

4 sometimes once every two months. And our focus was,

5 in the initial days, was on organizing residents so

6 that they understood that there was a way they could

7 look at their tax bill, there was a way they could be

8 involved, to inform them of and educate them about the

9 process, because talking about remonstrances and

10 waivers is not something that, you know, most people

11 get the first time.

12 And so really, our job was to educate and

13 inform and to ensure that people had the information

14 they needed to understand how it would impact not just

15 the taxing units but themselves individually.

16 Q And the purpose of County Residents Against

17 Annexation is to oppose annexation by the City?

18 A The purpose of County Residents Against

19 Annexation is to ensure that people are educated and

20 understand their rights. They may choose to be

21 annexed. They may want to be annexed. They -- they

22 wouldn't necessarily turn to CRAA at that point.

23 Q Have you donated to County Residents Against

24 Annexation?

25 A I have.

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1 Q How much?

2 A I know it's 2,000. It may be 3,000.

3 Q Over the last --

4 A Three years.

5 Q Three years. Okay. Did you assist in

6 organizing the remonstrance effort?

7 A I did.

8 Q Did you collect signatures?

9 A I did not.

10 Q Did you attend opposition meetings?

11 A I did.

12 Q How often would those occur?

13 A Well, you know, we had township trustees

14 like Rita Barrow who held a meeting at the county

15 fairgrounds. I was there for that one. I know there

16 were a lot I did not attend, because I didn't know

17 about them.

18 So some neighborhoods just kind of had their

19 own meetings. People were -- you know, I was really

20 there to help answer questions and to let them know

21 what the County could or could not do to help them.

22 And I think some of those early questions

23 really led us to focus on providing that Baker Tilly

24 report to make sure that we weren't just saying, "We

25 have got one financial report. This has got to be

Page 100

1 100 percent accurate. We're going to buy it," but to

2 actually have that -- another set of eyes looking at

3 the same information and to provide, again, for

4 residency ability to come out and ask Baker Tilly

5 questions at public meetings.

6 I know we had some -- I know one of our

7 meetings was at the fire station on Kennedy Drive, and

8 we -- we invited city council members to that meeting.

9 I know we had two there that I remember.

10 So the idea was just to provide -- to

11 educate and provide information, and but -- but it

12 really made us realize, you know, how much people

13 didn't know and how much we didn't know when this all

14 started.

15 Q You're familiar with the 2017 statute, House

16 Bill 1001, that invalidated, at that time,

17 Bloomington's annexation?

18 A Yeah.

19 Q What role did you play in getting that

20 legislation adopted?

21 A Zero.

22 Q You didn't talk to any legislators about it?

23 A No, no, I had had conversations with Jeff

24 Ellington early on, because he was opposed to

25 annexation, and I said, "Hey," you know, "whatever you

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1 can do would be good." and I think that was the extent

2 of it. I -- you know, there was nothing organized or

3 formal about that. That was just a commissioner to a

4 state rep.

5 Q What about the -- you also are aware of the

6 statutory change that invalidated all of the sewer

7 waivers, the remonstrance waivers in exchange for

8 sewer service?

9 A Yes, after a certain -- after a certain

10 number of years. Right?

11 Q Yes, that are over 15 years old.

12 A Okay. That's the -- I want to make sure

13 that's the one I'm looking at. Okay.

14 Q Okay. Yes, I think that change occurred in

15 2019.

16 A Yes, yes, I am aware of that.

17 Q Were you involved at all in getting that

18 legislation adopted?

19 A No, that was a surprise to me.

20 Q Okay. Have you been involved in any other

21 efforts to change annexation laws in Indiana?

22 A I -- I asked our lobbyist for the County to

23 kind of keep an eye on it, but we're well aware that


24 there's really very little chance with the current

25 makeup of the house speakership role in the state


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1 THE REPORTER: She will take read and
 2 sign. Is that what you're saying?
 3 MR. BEGGS: We request signature.
 4 THE REPORTER: Okay. And whose office
 5 should I send that through?
 6 MR. COCKERILL: You can send it through
 7 mine.
 8 THE REPORTER: Okay. In that case,
 9 we're now off the record 3:48 p.m.
 10 (Signature reserved.)
 11 (Whereupon, at 3:48 p.m., the
 12 proceeding was concluded.)
 13
 14
 15
 16
 17
 18
 19
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 21
 22
 23
 24
 25

Page 108

1 CERTIFICATE OF TRANSCRIBER
 2 I, SARAH JOYNER, do hereby certify that this
 3 transcript was prepared from the digital audio
 4 recording of the foregoing proceeding, that said
 5 transcript is a true and accurate record of the
 6 proceedings to the best of my knowledge, skills, and
 7 ability; that I am neither counsel for, related to,
 8 nor employed by any of the parties to the action in
 9 which this was taken; and, further, that I am not a
 10 relative or employee of any counsel or attorney
 11 employed by the parties hereto, nor financially or
 12 otherwise interested n.
 13 
 14
 15 SARAH JOYNER
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

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1 CERTIFICATE OF DEPOSITION OFFICER
 2 I, ANDREW PRONSCHINSKE, the officer before
 3 whom the foregoing proceedings were taken, do hereby
 4 certify that any witness(es) in the foregoing
 5 proceedings, prior to testifying, were duly sworn;
 6 that the proceedings were recorded by me and
 7 thereafter reduced to typewriting by a qualified
 8 transcriptionist; that said digital audio recording of
 9 said proceedings are a true and accurate record to the
 10 best of my knowledge, skills, and ability; that I am
 11 neither counsel for, related to, nor employed by any
 12 of the parties to the action in which this was taken;
 13 and, further, that I am not a relative or employee of
 14 any counsel or attorney employed by the parties
 15 hereto, nor financially or otherwise interested in the
 16 outcome of this action.
 17 ANDREW PRONSCHINSKE
 18 Notary Public in and for the
 19 State of Indiana
 20
 21 [X] Review of the transcript was requested
 22 
 23
 24
 25

Page 109

1 Veritext Legal Solutions
 2 1100 Superior Ave
 3 Suite 1820
 4 Cleveland, Ohio 44114
 5 Phone: 216-523-1313
 6 March 20th, 2024
 7 To: E. JEFF COCKERILL, ESQUIRE
 8 Case Name: County Residents Against Annexation, Inc., Et Al. v. City
 9 Of Bloomington, Indiana, Et Al.
 10 Veritext Reference Number: 6485936
 11 Witness: Julie Thomas Deposition Date: 3/6/2024
 12 Dear Sir/Madam:
 13 The deposition transcript taken in the above-referenced
 14 matter, with the reading and signing having not been
 15 expressly waived, has been completed and is available
 16 for review and signature. Please call our office to
 17 make arrangements for a convenient location to
 18 accomplish this or if you prefer a certified transcript
 19 can be purchased.
 20 If the errata is not returned within thirty days of your
 21 receipt of this letter, the reading and signing will be
 22 deemed waived.
 23 Sincerely,
 24 Production Department
 25 NO NOTARY REQUIRED IN CA

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1 DEPOSITION REVIEW
CERTIFICATION OF WITNESS

2

3 ASSIGNMENT REFERENCE NO: 6485936
CASE NAME: County Residents Against Annexation, Inc., Et Al.
v. City Of Bloomington, Indiana, Et Al.
DATE OF DEPOSITION: 3/6/2024

4 WITNESS' NAME: Julie Thomas

5 In accordance with the Rules of Civil
Procedure, I have read the entire transcript of
6 my testimony or it has been read to me.
7 I have made no changes to the testimony
as transcribed by the court reporter.

8

9 _____
Date Julie Thomas

10 Sworn to and subscribed before me, a
Notary Public in and for the State and County,
11 the referenced witness did personally appear
and acknowledge that:

12 They have read the transcript;
13 They signed the foregoing Sworn
Statement; and
14 Their execution of this Statement is of
their free act and deed.

15 I have affixed my name and official seal
16 this ____ day of _____, 20____.

17 _____
Notary Public

18 _____
Commission Expiration Date

19
20
21
22
23
24
25

Page 112

1 ERRATA SHEET
VERITEXT LEGAL SOLUTIONS MIDWEST

2 ASSIGNMENT NO: 3/6/2024

3 PAGE/LINE(S) / CHANGE /REASON

4 _____

5 _____

6 _____

7 _____

8 _____

9 _____

10 _____

11 _____

12 _____

13 _____

14 _____

15 _____

16 _____

17 _____

18 _____

19 _____

20 Date Julie Thomas

21 SUBSCRIBED AND SWORN TO BEFORE ME THIS _____

22 DAY OF _____, 20____.

23 _____
Notary Public

24 _____

25 Commission Expiration Date

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1 DEPOSITION REVIEW
CERTIFICATION OF WITNESS

2

3 ASSIGNMENT REFERENCE NO: 6485936
CASE NAME: County Residents Against Annexation, Inc., Et Al.
v. City Of Bloomington, Indiana, Et Al.
DATE OF DEPOSITION: 3/6/2024

4 WITNESS' NAME: Julie Thomas

5 In accordance with the Rules of Civil
Procedure, I have read the entire transcript of
6 my testimony or it has been read to me.
7 I have listed my changes on the attached
Errata Sheet, listing page and line numbers as
8 well as the reason(s) for the change(s).
9 I request that these changes be entered
as part of the record of my testimony.

10

11 I have executed the Errata Sheet, as well
as this Certificate, and request and authorize
that both be appended to the transcript of my
12 testimony and be incorporated therein.

13 _____
Date Julie Thomas

14

15 Sworn to and subscribed before me, a
Notary Public in and for the State and County,
the referenced witness did personally appear
16 and acknowledge that:

17 They have read the transcript;
They have listed all of their corrections
18 in the appended Errata Sheet;
They signed the foregoing Sworn
19 Statement; and
Their execution of this Statement is of
20 their free act and deed.

21 I have affixed my name and official seal
22 this ____ day of _____, 20____.

23 _____
Notary Public

24 _____

25 Commission Expiration Date

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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.

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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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