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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
MAYOR KERRY THOMPSON

DATE: Friday, March 8, 2024
TIME: 1:08 p.m.
LOCATION: Bloomington City Hall
401 North Morton Street, Room 225
Bloomington, IN 47404
REPORTED BY: Andrew Pronschinske
JOB NO.: 6485948

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. BEGGS: Bill Beggs on behalf of

6 petitioners.

7 MS. CLEMENTS: Margaret Clements,

8 County Residents Against Annexation.

9 MS. RICE: Margie Rice, Corporation

10 Counsel.

11 MR. UNGER: Stephe Unger, counsel for

12 the City.

13 MR. MCNEIL: Andrew McNeil, counsel for

14 the City, present for the witness as well.

15 MS. THOMPSON: Kerry Thompson.

16 THE REPORTER: Thank you.

17 Hearing no objection, I will now swear

18 in the witness.

19 Please raise your right hand.

20 WHEREUPON,

21 KERRY THOMPSON,

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: We may proceed.

Page 7

1 EXAMINATION

2 BY MR. BEGGS:

3 Q Will you please state your full name for the

4 record?

5 A Kerry Thompson.

6 Q Your occupation, please?

7 A Mayor, City of Bloomington.

8 Q Your business address?

9 A 401 North Morton, Bloomington, Indiana.

10 Q As you undoubtedly know, Mayor Thompson,

11 I'll be asking you questions today. If at any time

12 you don't hear the question, don't understand the

13 question, or need me to repeat it for any reason

14 whatsoever, you please let me know and I'll be happy

15 to do so. Okay?

16 A Mm-hmm.

17 Q You are going to be at times asked questions

18 that would call for a yes or a no, and if you happen

19 to shake or nod or say uh-huh or uh-huh, even though I

20 would probably know what you meant, that's hard for

21 him to type. So if I correct you or ask you to

22 clarify it, please don't be offended. I'm just trying

23 to get a clear record.

24 A Of course.

25 Q You have an injured leg, foot, some part,

Page 8

1 and if any time you need to take a break for that, I

2 hope you'll please let us know and we'll be happy to

3 accommodate you.

4 A Thank you.

5 Q Some of this we know, Mayor, but we're

6 making a record here. You became mayor when, please?

7 A January 1, 2024.

8 Q And you became a candidate for mayor when,

9 please?

10 A Officially about, I don't know, January

11 2023.

12 Q Okay. That's fine. And in your capacity as

13 the mayor of the City of Bloomington, Indiana, are you

14 at the head of the civil government?

15 A I am.

16 Q And do you speak for the civil government of

17 the City of Bloomington?

18 A I do.

19 Q With regard to this issue that we're here to

20 talk about today, I think you know we're here to talk

21 about the involuntary annexation by the City of

22 Bloomington of areas 1A and 1B. Do you know what I'm

23 referring to when I say that?

24 A Yes.

25 Q And have you had occasion in the past, I

Page 9

1 guess it's roughly almost 14 months, to give public

2 statements and make public statements and answer

3 questions publicly about the annexation, both of 1A

4 and 1B and of the other areas that are not the subject

5 of this lawsuit?

6 A Yes.

7 Q You speak for the Thompson Administration

8 today; is that correct?

9 A Yes.

10 Q If areas 1A and 1B are involuntarily annexed

11 by the City of Bloomington, will you be the head of

12 the government that would be the government in which

13 they reside?

14 A Yes.

15 Q If 1A and 1B are involuntarily annexed by

16 the City of Bloomington, will you be the head of the

17 governmental entity responsible for delivering city

18 services, both capital and non-capital nature, to

19 those areas?

20 A Yes.

21 Q Do you contend in any manner that delivery

22 of either water or sewer service to residents of the

23 City of Bloomington is delivered by an entity other

24 than the government over which you preside?

25 A It is delivered by the City of Bloomington

Page 10

1 Utilities.

2 Q And is that the same entity over which you

3 are the head?

4 A Correct.

5 Q In front of you is an exhibit that's been

6 marked as Exhibit 56.

7 (Exhibit 56 was marked for

8 identification.

9 And I'll ask first, do you recognize the map

10 that's marked as 56?

11 A I do.

12 Q And does it reflect the areas that the City

13 of Bloomington is attempting to involuntarily annex

14 within Monroe County, Indiana?

15 A It appears to, yes. It is -- it is a bit of

16 a small scale, but I would assume that this is one of

17 our maps.

18 Q And I'll represent to you that I think it is

19 too.

20 A Yes.

21 Q If it isn't, that wouldn't be intentional.

22 We took this I believe from the City's website, but we

23 intend it to be the same one, if there's a difference.

24 That's not intentional, I assure you. Do you know how

25 many owners of property there are in area 1A?

Page 11

1 A I do not.

2 Q Do you know of how many there are in 1B?

3 A I do not.

4 Q Is that information that you have known and

5 you don't know today, or you just have never known

6 that?

7 A I have never known the specifics of that.

8 Q Do you know how many acres there are in 1A?

9 A I do not.

10 Q What about 1B?

11 A I do not.

12 Q And is that information that you have known

13 at some point, you're just forgetting, or you've never

14 known those?

15 A I have never known those.

16 Q From your perspective, your seat as the

17 mayor of the City of Bloomington, is the number of

18 acres in 1A and 1B or the number of residents in 1A

19 and 1B significant?

20 A I'm not sure I understand what you mean.

21 Q Yeah, thank you. Does it matter to you as

22 the mayor to know the number of acres or the number of

23 residents within 1A and 1B?

24 A It matters to me that we understand

25 the -- the general service provision needed, which is

Page 12

1 impacted by the number of residents and distance from

2 fire houses and police stations and things.

3 Q I want to say some of that back and make

4 sure I --

5 A But I'm not sure that the specific number of

6 residents is -- if it varies by ten people, it won't

7 be an impact on the -- on our ability to provide

8 services, for instance.

9 Q I understand. Do you know approximately the

10 acreage or the number of owners of property within 1A

11 and 1B?

12 A I don't.

13 Q So to that last point you made about, you

14 know, varying within ten or so, you don't even know

15 within thousands, I take it, is that correct, of

16 people or hundreds of acres, or do you have some idea

17 within those parameters?

18 A I don't.

19 Q Is it significant to the Thompson

20 Administration that a majority of property owners

21 within 1A and 1B oppose being involuntarily annexed by

22 the City of Bloomington?

23 A My hope would be that at some point, these

24 property owners understand that they are welcome into

25 the City of Bloomington. And I understand that there

Page 13

1 are enough that have signed a remonstrance against the

2 annexation, and it will be my job as mayor to ensure

3 that we not only provide them services but that we do

4 our best to listen to them and help them feel welcome.

5 Q I heard every word you said. Let me make

6 sure I understand. I intended to ask, does the

7 Thompson Administration consider it significant that a

8 majority of the property owners in 1A and 1B oppose

9 being involuntarily annexed. Is the answer yes or no?

10 A I guess --

11 MR. MCNEIL: Hold on. Objection.

12 Asked and answered. Mischaracterizes her answer.

13 You can respond.

14 BY MR. BEGGS:

15 Q Yeah, I don't want to characterize your

16 answer. I just want to get the answer. So you may

17 answer, please.

18 A Yeah, I guess I don't know what you mean by

19 significant. Do I care that people are opposed?

20 Absolutely.

21 Q And why so?

22 A Because I think, you know, what is very

23 important to me in being the executive in this

24 governmental entity is that we are, to the best of our

25 ability, providing an inclusive and responsive

Page 14

1 government. And so it is significant to me in knowing
 2 that we are conducting an involuntary annexation that
 3 there are enough residents that say, this wasn't what
 4 I wanted. I should care, as their mayor. If I become
 5 their mayor, I want them to know I do care and that
 6 I'll do my best to address their needs and concerns.
 7 Q Does the Thompson Administration consider
 8 that it knows the best interests of the residents and
 9 owners of 1A and 1B better than the residents of 1A
 10 and 1B know themselves their best interests?
 11 MR. MCNEIL: Object to the extent it
 12 calls for a legal conclusion under the statute.
 13 You can answer.
 14 THE WITNESS: I believe that I -- I do
 15 believe that the City, my administration, knows how to
 16 facilitate a city government well and that these are
 17 areas that have already been urbanized.
 18 BY MR. BEGGS:
 19 Q Okay. But does the Administration contend
 20 that it knows the best interests of the owners and
 21 residents of 1A and 1B better than the residents and
 22 owners of 1A and 1B know themselves?
 23 MR. MCNEIL: Same objection.
 24 You can answer.
 25 THE WITNESS: In order to know an

Page 15

1 individual's needs, I would need to know that
 2 individual. So I wouldn't hypothetically answer a
 3 question about a group of individuals.
 4 BY MR. BEGGS:
 5 Q Do you understand, Mayor, that the court
 6 will be called upon in this case to consider the best
 7 interests of the residents and owners of 1A and 1B?
 8 MR. MCNEIL: Object to the extent it
 9 mischaracterizes the statute.
 10 You can answer.
 11 THE WITNESS: I understand that the
 12 court is deciding whether or not these areas should be
 13 annexed and are already urbanized areas.
 14 BY MR. BEGGS:
 15 Q So let me understand that, please. You
 16 think the trial in which you've been identified as a
 17 witness will require the court to decide if 1A and 1B
 18 should be annexed and if they are urbanized areas?
 19 Did I hear that correctly? Don't let me put words in
 20 your mouth. I don't want to misquote you.
 21 MR. MCNEIL: Still objection. Calling
 22 for legal conclusions.
 23 But you can answer.
 24 MR. BEGGS: Well, I'm not calling for a
 25 conclusion. I just want to understand the last

Page 16

1 answer, is what I'm trying to do.
 2 MR. MCNEIL: Same objection to the
 3 question that prompted the last answer.
 4 MR. BEGGS: Fair enough.
 5 THE WITNESS: Yes. That's part of what
 6 that court is deciding.
 7 BY MR. BEGGS:
 8 Q The best interests of the residents of 1A
 9 and 1B?
 10 A If it is -- the court is deciding not
 11 necessarily the -- the overall best interests of
 12 individual residents, but in fact if these properties
 13 should be annexed into the City of Bloomington. And
 14 it's my understanding that part of that is whether or
 15 not it causes undue harm to those residents.
 16 Q I don't want to ask you anything your
 17 attorneys have told you, so if your attorneys have
 18 told you that, please say so. But from where did you
 19 get the understanding that the court at the trial will
 20 be required to determine undue harm to the owners and
 21 residents of 1A and 1B?
 22 A I -- I don't have a legal degree. I mean,
 23 I'm --
 24 Q Fair enough.
 25 A I understand -- you know, I understand the

Page 17

1 base principles that need to be proven in the -- in
 2 the annexation hearing. And so you can drill down on
 3 the legal aspects, but I am not an attorney.
 4 Q That's fine, and I didn't think you were.
 5 And I'm certainly not asking for a legal opinion. I'm
 6 just asking as the head of the government that is
 7 attempting an involuntary annexation over the areas we
 8 call 1A and 1B, ultimately the original question was,
 9 if the government believes it knows the best interests
 10 of the residents and owners of 1A and 1B better than
 11 residents and owners know themselves.
 12 A I believe I've asked -- answered that
 13 question twice now.
 14 Q Could you please --
 15 A I don't know --
 16 Q I didn't understand the answer, so if you
 17 could please say so, I'd appreciate it.
 18 MR. MCNEIL: That was a long wind-up.
 19 Can you just please succinctly state the question that
 20 you want her to answer?
 21 MR. BEGGS: Probably not, but I will do
 22 my best.
 23 MR. MCNEIL: Thank you.
 24 BY MR. BEGGS:
 25 Q Does the Thompson Administration contend

Page 18

1 that it knows the best interests of the owners and
 2 residents of 1A and 1B better than the residents and
 3 owners of 1A and 1B know their own best interests?
 4 MR. MCNEIL: Objection. Asked and
 5 answered.
 6 You can answer again.
 7 THE WITNESS: I do not know the best
 8 interests of individuals in this annexation area.
 9 BY MR. BEGGS:
 10 Q I mean, that's what I figured, but I didn't
 11 know if there was some other answer, so I have to ask.
 12 That's an issue in the trial. Does the Thompson
 13 Administration consider the involuntary annexation of
 14 1A and 1B to be significant financially?
 15 MR. MCNEIL: Objection. Vague.
 16 A I don't know what significant is and -- and
 17 significant -- can -- can you be more specific?
 18 Q Sure. Has the Thompson Administration
 19 considered the net revenue that would result to the
 20 City of Bloomington if 1A and 1B were involuntarily
 21 annexed?
 22 A The -- the revenue will be relatively flat
 23 for -- in the immediate future. Insignificant.
 24 Q And how long is the immediate future,
 25 please?

Page 19

1 A At least five years.
 2 Q And is that revenue less expenses you're
 3 talking about, or you're talking about gross revenue
 4 to the City? In other words, are you netting that, or
 5 is that a gross answer?
 6 A Netting.
 7 Q Okay. What about the gross answer? Has the
 8 Thompson Administration considered the gross revenue
 9 inflow to the City of Bloomington if 1A and 1B are
 10 involuntarily annexed?
 11 A So back to your original question, that's
 12 insignificant to a government because it is -- you
 13 know, you have to take into account the revenue and
 14 expenses when you're looking at anything.
 15 Q Well, I know, and we're going to talk about
 16 that. So you do understand the significance. So is
 17 the economic impact to the City of Bloomington
 18 significant in the event 1A and 1B are involuntarily
 19 annexed?
 20 A No.
 21 Q Okay. And I take it from what we were kind
 22 of winding through there is, is that because you
 23 believe the net, revenue minus expenses leaves you
 24 with a net, is relatively flat?
 25 A Correct.

Page 20

1 Q Okay. So then back to -- do you know the
 2 expected gross revenue to the City of Bloomington if
 3 1A and 1B are involuntarily annexed?
 4 MR. MCNEIL: Objection. Asked and
 5 answered.
 6 You can answer again.
 7 MR. BEGGS: It's been asked. I don't
 8 think it's been answered.
 9 MR. MCNEIL: It's been answered.
 10 There's an answer in the transcript.
 11 You can answer again.
 12 THE WITNESS: Yes. I have reviewed the
 13 financial documents.
 14 BY MR. BEGGS:
 15 Q And how much was that? What was that
 16 number?
 17 A I cannot recall the exact figures.
 18 Q Can you identify the document or documents
 19 you reviewed to relied on for that yes answer?
 20 A The fiscal plan.
 21 Q And do you have a ballpark of the gross
 22 revenue to the City of Bloomington for either 1A or 1B
 23 or both?
 24 A I do not.
 25 Q Not even within millions of dollars?

Page 21

1 A I just answered your question.
 2 Q Okay. And then to follow your thinking with
 3 regard to the expenses, do you have in mind the amount
 4 of expenses that would be incurred by the City of
 5 Bloomington in the event 1A and 1B are involuntarily
 6 annexed?
 7 A I have reviewed the fiscal plan and
 8 understand that we have the capacity to provide
 9 services.
 10 Q Right. But I was asking about expenses. If
 11 you don't know, it's okay. I just want to know, do
 12 you know the expenses that the City will incur if 1A
 13 and 1B are annexed?
 14 A I have reviewed the fiscal plan. I have not
 15 memorized the balances on anything.
 16 Q That's fine. Do you have a ballpark of the
 17 expenses?
 18 A I do not.
 19 Q Okay. Would you -- and I'm not asking you
 20 to give an answer, a number you don't remember, but do
 21 you think it would be in the millions of dollars of
 22 gross revenue to the City of Bloomington if 1A and 1B
 23 are involuntarily annexed?
 24 MR. MCNEIL: Objection. Asked and
 25 answered several times.

Page 22

1 You can answer again.

2 THE WITNESS: Again, I do not have the

3 figures in front of me.

4 BY MR. BEGGS:

5 Q No, I know that. That wasn't my question.

6 I'm trying to ask a slightly different question, so if

7 it sounded the same, that wasn't my intention. Do you

8 think that number would be in the millions of dollars?

9 A I don't know.

10 Q Okay. And I take it you won't know within

11 millions of dollars -- same question as to expenses;

12 correct?

13 A That's correct.

14 Q Mayor Thompson, do you contend that

15 residents of 1A and 1B will be financially impacted if

16 they are involuntarily annexed into the City of

17 Bloomington?

18 MR. MCNEIL: Object to the extent it

19 calls for a legal conclusion under the statute.

20 You can answer.

21 THE WITNESS: I don't know.

22 BY MR. BEGGS:

23 Q Don't know at all?

24 A I don't know.

25 Q Do you know, Mayor Thompson, if residents of

Page 23

1 1A and 1B who own property would be expected to

2 experience property tax increases if they are

3 involuntarily annexed?

4 A Many of them, yes.

5 Q And on what do you base that?

6 A They will be paying City taxes at that

7 point.

8 Q Which are higher, you're saying?

9 A Yes.

10 Q And when you say many of them will, can you

11 give me an idea of what you mean by many, whether it's

12 percentage, whether it's some other way?

13 A I would need to know their individual

14 circumstances to -- to know what increases look like

15 given circuit breakers and other things. And so I

16 don't know what percentage of people will experience

17 an increase.

18 Q Do you think it will be more than half?

19 A I don't know.

20 Q Have you at any point asked for that

21 question to be answered for you?

22 A I have not.

23 Q Is that information that you believe you

24 have had at one point but you just don't remember

25 today, or you've never known?

Page 24

1 A I do not know. I have never known.

2 Q So I want to make sure I follow. The

3 original question was, do you think residents who own

4 property in 1A and 1B will be financially impacted,

5 and I think you said yes by virtue of property tax

6 increase. Is that the sum total of the impact?

7 A Yes.

8 Q Have you at any point been presented with

9 that number -- if I've already asked that, I

10 apologize -- but with that number of increased

11 property taxes that 1A and 1B owners would pay if

12 involuntarily annexed?

13 A No.

14 Q So you just don't know, period?

15 A Correct.

16 Q If the -- I'm not asking you the number

17 because I think we've well established you don't know

18 the numbers specifically or even within the millions,

19 but my question is a little different. Who will pay

20 that difference in revenue to the City of Bloomington

21 if 1A and 1B are involuntarily annexed?

22 A That will come from property taxes of the

23 owners.

24 Q So the owners and residents of 1A and 1B

25 will pay that?

Page 25

1 A That's correct.

2 Q Anybody else?

3 A No.

4 Q I'd like to ask you about sewer service for

5 a moment, please. What is your administration's plan

6 for extending sewer services to areas 1A and 1B if

7 involuntary annexation goes through?

8 A Our -- our plan is to -- to look at it on a

9 case-by-case basis and determine -- determine

10 provision of sewer extensions.

11 Q Will you please explain for me what you mean

12 by determine provision of sewer extensions?

13 A Currently, folks within the city, if -- you

14 know, it depends on if there's a main there, etcetera,

15 etcetera. If there's a main there and a lateral is

16 needed, then those would be authorized. Currently,

17 sewer mains are put in by the developer.

18 Q Yeah, at their --

19 A With the -- policy, yeah.

20 Q At the developer's expenses?

21 A That's correct.

22 Q So the City won't be installing any mains or

23 laterals because the developers do that; right?

24 A I didn't say that. I said that we would be

25 happy to look at it on a project basis.

Page 26

1 Q You did, and I don't want to mischaracterize
 2 you. I want to understand.
 3 A Yeah.
 4 Q So do I understand correctly that the answer
 5 is, our policy is we don't install sewer mains and
 6 sewer laterals as a policy of the City of Bloomington;
 7 correct?
 8 A We don't finance those, that's correct.
 9 Q But your testimony here is that you would
 10 consider that on a case-by-case basis in 1A and 1B if
 11 presented with a request or a question?
 12 A We -- we will look at provision of those
 13 kinds of services on a case-by-case basis. I'm not
 14 promising that we're going to put them in. And
 15 laterals are provided within the city limits, the
 16 ability to tap into our sewer.
 17 Q At whose expense?
 18 A At the property owner's expenses.
 19 Q So if a person who owns property in 1A or 1B
 20 becomes involuntarily annexed and they want to, I
 21 think you said tap onto the city's sewer system, they
 22 do so at their expense?
 23 A That's correct. Same with all city
 24 residents.
 25 Q Do you have any experience with cost of such

Page 27

1 tap-ons or hook-ons in a residential setting?
 2 A I do.
 3 Q And can you give me a sense of how one would
 4 go about estimating -- do you know what it costs? I
 5 think that's too broad a question. I think you're
 6 going to tell me this. What would it cost?
 7 A About \$1200.
 8 Q And how does a person do that? Would they
 9 pay the City, or would they hire that, privately
 10 contracted, or what?
 11 MR. MCNEIL: Objection. Calls for
 12 speculation.
 13 But you can answer.
 14 THE WITNESS: So one would need a -- a
 15 contractor to put the lateral in, and then you would
 16 pay the fee for connecting.
 17 BY MR. BEGGS:
 18 Q Connection fee. At present, is there any
 19 location within 1A or 1B that your administration has
 20 identified that it will indeed install sewer service
 21 if involuntary annexation goes through?
 22 A Not that I know of.
 23 Q Am I understanding your answer correctly
 24 that the way the money would work in there is that the
 25 property owner would pay two parties, the contractor

Page 28

1 who does the work and the City for the opportunity to
 2 hook on, the hook-on fee?
 3 A That depends. For instance, I just had a
 4 new lateral dug because mine failed. The contractor
 5 that I hired wanted to pay the City's fee. I paid one
 6 check.
 7 Q Got it. Okay.
 8 A It's a case-by-case basis.
 9 Q Understood. Does your administration have
 10 any plans to upgrade any existing sewer facilities
 11 within 1A and 1B if involuntary annexation goes
 12 through?
 13 A We have a capital improvement plan at CBU,
 14 which includes improvements to one of our wastewater
 15 facilities and the water treatment plant.
 16 Q Okay. Which wastewater facility are you
 17 talking about?
 18 A Blucher is the one on -- is the next one on
 19 schedule.
 20 Q Is that Bottom Road thereabouts?
 21 A I think.
 22 Q And do you know if Blucher Poole is
 23 located -- I think it's Poole -- is located within 1A
 24 or 1B?
 25 A I actually don't know where each of these

Page 29

1 wastewaters go, but CBU does it as a -- you know, as a
 2 whole.
 3 Q On a schedule?
 4 A That's right.
 5 Q So I asked about any plans to upgrade, and
 6 you told me CBU has a schedule and you said Blucher is
 7 the next one on the schedule?
 8 A I believe it is.
 9 Q And I feel like you said -- there was
 10 another part to your answer, but I didn't get it
 11 written down.
 12 A The water treatment plant.
 13 Q Okay. And where's that located?
 14 A Down by the lake.
 15 Q Handy Road?
 16 A Somewhere close to Handy, if it's not
 17 technically on Handy.
 18 Q Thereabouts?
 19 A Yeah.
 20 Q And that's not located in 1B or 1A, is it?
 21 A Physically, no, but it serves them.
 22 Q Other than that predetermined schedule that
 23 you identified CBU has made, are you aware of any
 24 other plans that the City has to upgrade any existing
 25 sewer facilities if involuntary annexation of 1A and

Page 30

1 1B go through?

2 A We are doing a capacity study now. We

3 have -- yeah, we're doing a capacity study now.

4 Q And I'm sure that was responsive, but I

5 don't understand. Are you saying, we're doing a

6 capacity study to determine if we're going to be

7 making other upgrades?

8 A Well, we have a major development that is

9 proposed on the south side of Bloomington. And so

10 that capacity study is related to that development,

11 not specifically to annexation.

12 Q And does that proposed development have a

13 name?

14 A Yes. Summit. Is that the official

15 development name? I think, yeah. We call it Summit.

16 Q And where's that located? You said south,

17 but where?

18 A Tapp Road, Sudbury.

19 Q I got it. Okay. And so the capacity study

20 is of sewer service only, or is it --

21 A Sewer and water.

22 Q And what has prompted that capacity study?

23 A The proposal of a major development.

24 Q Several thousand homes, isn't it?

25 A Yes.

Page 31

1 Q Or residents?

2 A That's right.

3 Q As we sit here today without the benefit of

4 that capacity study, is the City's water and sewer

5 facility capable of serving the Sudbury project?

6 A That is why we're doing a capacity study, to

7 ensure that we are capable of serving that before we

8 commit to it. We are capable of serving 1A and 1B.

9 Q I want to come back to that. So I take it

10 we're doing the study to make sure Sudbury can be

11 served because we're not sure; is that accurate?

12 A Well, I think that what we need is a

13 benchmark for, do we need to -- do we need to amend

14 our capital improvement plan and at what point if

15 Sudbury goes through.

16 Q Okay.

17 A So there are feasible situations like

18 Sudbury goes through, but then we only have capacity

19 for another 10,000 residents, right, 10,000

20 residences. So we would then pace the capital

21 improvement based on what -- you know, future

22 development and/or not do the development.

23 Q And I think I heard you say that we're doing

24 the study prompted by the Sudbury proposal, but we

25 know we have capacity for 1A and 1B. Did I get that

Page 32

1 right?

2 A We do.

3 Q And how do you know that?

4 A Because on a regular basis, our utilities

5 assesses its capacity based on current draws and

6 processing, and we have quite a significant growth

7 potential there. So we're -- we're fine. And as you

8 know, many of the residents in 1A and 1B are already

9 connected to our utilities and in fact, signed waivers

10 that they would not remonstrate against a future

11 annexation because these were actually intended for

12 annexation for the past 20 years. So CBU has been

13 serving them because they were intended to be part of

14 the city.

15 Q That reminds me. Last week in this very

16 room, at this very table, six or eight or ten

17 different property owners in 1A and 1B were asked by

18 City attorneys if they would be agreeable to

19 disconnecting their water and sewer service if

20 involuntary annexation does not go through. Does the

21 Thompson Administration have a position on that?

22 A We don't have any plans, but certainly, our

23 priority -- my -- my job is to serve the City of

24 Bloomington. And as we've already established, CBU is

25 a City of Bloomington entity. And so if we were to

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1 come up against capacity, our priority would be

2 serving only the City of Bloomington residents.

3 Q Let me understand that, please. The

4 question that they were asked and the suggestion that

5 was made to them was that them being disconnected from

6 their sewer and water would turn on whether

7 involuntary annexation goes through, not on -- but I

8 think I hear you saying capacity is the concern or the

9 issue. Can you help me understand which it is?

10 MR. MCNEIL: Objection. Assumes facts

11 not in evidence. Questions are not evidence.

12 But you can answer.

13 THE WITNESS: Yeah, I mean, my job is

14 to serve the City of Bloomington. And when these

15 connections were made, there was an agreement made

16 that these would be City properties. If annexation

17 doesn't go through, they're not City properties. And

18 so if we have City properties that want to hook on and

19 they can't, those would be my priority.

20 BY MR. BEGGS:

21 Q I understand. But I thought I heard you

22 say, Mayor, that there is plenty of capacity in 1A and

23 1B. It's not a concern.

24 A For now.

25 Q So --

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1 A We've also established we have a major
 2 development coming on the south side of Bloomington
 3 within the city limits, and housing is at crisis
 4 levels. We -- we need to add housing somewhere. That
 5 means more people tapping onto our city utilities.
 6 Q Do I understand from your answers correctly
 7 that the decision of whether the Thompson
 8 Administration to ask owners in 1A and 1B to
 9 disconnect their water and sewer service depends on
 10 just as they were asked whether annexation goes
 11 through or not?
 12 A I don't have any plans to disconnect
 13 anybody's utilities. I want to be clear about that.
 14 And I do have very clear plans to serve the City of
 15 Bloomington very well.
 16 Q I thought you'd say that, which was why I
 17 wanted to clear up questions that -- has your office
 18 been receiving phone calls from folks who were asked
 19 that question last week?
 20 A No.
 21 Q Do you happen to know, Mayor, what
 22 expansions to sewer capacity the City of Bloomington
 23 Utilities Department has made within the last seven
 24 years?
 25 A I don't.

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1 Q How about a longer period or a shorter
 2 period?
 3 A I don't. Not specifically.
 4 Q Do you know -- because I just don't
 5 understand how this gets quantified -- can you
 6 describe how much capacity there is in 1A and 1B
 7 assuming the Sudbury project goes through, gets
 8 approved?
 9 A I don't understand the question.
 10 Q I probably don't, either. What I want to
 11 know is, has anybody presented you with information
 12 if Sudbury is approved --
 13 A Yes.
 14 Q -- how much capacity 1A and 1B would have?
 15 A So I don't know the specific answer to that
 16 question. I do know that the study has taken into
 17 account full deployment of utilities in 1A and 1B as a
 18 precursor to if Sudbury goes through. So the
 19 assumption is all.
 20 Q Who's performing -- is the study finished?
 21 A I don't know. I don't know who's performing
 22 the study, and I don't even know if they've engaged
 23 anybody. CBU has determined that they need a study.
 24 Q Well, who's making that assumption you
 25 talked about a moment ago?

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1 A It's been talked about at -- with CBU
 2 Administration that that study is needed, and
 3 we -- because we're talking about improvements to the
 4 water treatment plant right now, we need that capacity
 5 study, so we know how significant those improvements
 6 need to be, etcetera.
 7 Q No contract has been let, no request has
 8 been made?
 9 A I don't know the answer to that question.
 10 Q I'm going to ask more or less the same
 11 questions as to water. If I ask you the same
 12 questions about water service, is that the same? Are
 13 they hand in hand, the water and sewer service?
 14 A CBU does it all, yes, and so they do the
 15 same capital improvements we're doing, assessment of
 16 water provision and sewage treatment.
 17 Q So if annexation goes through and there is
 18 any property owner in 1A -- I'm on the earlier part of
 19 what we talked about on sewer. If involuntary
 20 annexation goes through and a property owner in 1A or
 21 1B wants to be connected to City water service, they
 22 got to pay for it themselves; is that right?
 23 A The connection, yes.
 24 Q Are you distinguishing that from something
 25 else?

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1 A Sorry. Everybody pays for their own water,
 2 so --
 3 Q The water itself.
 4 A Yes.
 5 Q But how about the connection, sorry.
 6 A Also you pay to connect, yes.
 7 Q Same as what we talked about on sewer?
 8 A Correct.
 9 Q So the City, I take it, then, has no plans
 10 to connect any property within 1A or 1B to water or
 11 sewer if involuntary annexation goes through, except
 12 on the person's own dime, at their own expense?
 13 A The City plans to treat the newly-annexed
 14 property owners with the same policies that our
 15 current city residents have, that's correct. And you
 16 pay for your own.
 17 Q I asked you about replacement of existing
 18 sewer facilities within 1A and 1B, so I want to shift
 19 that same line of questioning to water. Is the answer
 20 going to be the same as it was with sewer with regard
 21 to a CBU capital plan and prescheduled --
 22 A Yes. Sorry, I was -- I was answering
 23 universally for CBU services, so that is --
 24 Q Water and sewer?
 25 A Water and sewer, yes.

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1 Q Thank you. So do I understand your answers
 2 correctly, Mayor, that there are a lot of folks out
 3 there who think that if they become involuntarily
 4 annexed, that they would be furnished with City water
 5 and sewer at the City's expense, but I think you're
 6 telling me that's not right; am I correct?
 7 MR. MCNEIL: Can you read that question
 8 back, please?
 9 BY MR. BEGGS:
 10 Q If there are folks at 1 -- strike that.
 11 If there are residents and owners of 1A and
 12 1B who are under the impression that the City will
 13 provide them connection to sewer and water if they
 14 become involuntarily annexed, that's just not right,
 15 is it?
 16 MR. MCNEIL: Objection. Assumes facts.
 17 But you can answer.
 18 THE WITNESS: The City will provide the
 19 connection for the connection fee, yes. But the City
 20 does not actually come out and do the work. And it is
 21 currently the policy that if you are not in the city,
 22 you may not connect.
 23 BY MR. BEGGS:
 24 Q And that's a policy you inherited from your
 25 predecessor; correct?

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1 A I did inherit that.
 2 Q Has your administration made the decision to
 3 extend or continue that policy?
 4 A It has been continued, yes.
 5 Q And why's that?
 6 A Because it is -- it is still under question
 7 whether the waivers will be upheld, and we don't want
 8 to commit City service beyond the city boundaries. We
 9 have to make sure that we can really do great work
 10 within our city boundaries, and that's going to be our
 11 priority.
 12 Q And I think you made reference to it, the
 13 other lawsuit, the constitutional lawsuit --
 14 A Correct.
 15 Q -- that the City has brought. So do I
 16 understand correctly, then, that if the City prevails
 17 in that lawsuit, it will then reopen access to sewer
 18 and water outside of the jurisdiction of the city?
 19 MR. MCNEIL: Objection. Calls for
 20 speculation. Lack of foundation.
 21 You can answer.
 22 THE WITNESS: I don't know what we're
 23 going to do. We would be much more likely to do it if
 24 waivers were upheld.
 25 //

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1 BY MR. BEGGS:
 2 Q And why is that?
 3 A Because, you know, it is of significant
 4 expense to maintain service, you know, to -- to any
 5 property, and -- and going outside the jurisdiction
 6 is -- is added expense for the City. And we want
 7 to -- as I've said several times, we want to focus our
 8 efforts on the residents of the city, as -- as we
 9 should.
 10 Q When you say there's significant expense to
 11 the City, folks that are outside of the city limits
 12 but are served by CBU are paying for that, aren't
 13 they?
 14 A They pay a fee for their water and sewer,
 15 but they actually -- it doesn't keep up with the
 16 expense of maintaining the infrastructure.
 17 Q And why not?
 18 A Because it's -- it's expensive to maintain
 19 the -- the mains, the treatment facilities, etcetera.
 20 And -- and especially when it's not contiguous with
 21 the rest of what we're doing.
 22 Q Is that a brand new finding or piece of
 23 information, that it's not keeping up?
 24 A I don't believe so.
 25 Q Do you believe that to have been established

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1 in the public domain before you took office?
 2 A I don't know.
 3 Q Did you know that before you took office?
 4 A I did not.
 5 Q Okay. I want to make sure I'm following
 6 that answer. Are you saying -- in different words, of
 7 course -- that CBU is not charging enough for the
 8 provision of water and sewer services that it
 9 furnishes outside the city limits?
 10 A I think that would be encompassed in a rate
 11 study, but, you know, the provision of the
 12 infrastructure and maintenance thereof in a geography
 13 that is outside of what the city is ordinarily doing
 14 and -- and where we're traveling, etcetera, is greater
 15 expense. And -- and as a former developer, I can tell
 16 you where the sewer is, there goes the -- the
 17 urbanization. And so you're going to have -- you're
 18 going to have a significant load on that sewer as soon
 19 as you put the -- the main in.
 20 Q I want to make sure I'm understanding
 21 correctly. You're telling me that CBU is not
 22 receiving as much in payments from non-city users as
 23 it is expending to furnish them services; is that
 24 right?
 25 A I believe that the cost of the actual water,

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1 the cost of the actual treatment of the wastewater is
 2 probably keeping up. It's the infrastructure that's
 3 expensive. And the more miles of infrastructure we
 4 have, the more expensive it is.
 5 Q And back to earlier answers you gave. The
 6 infrastructure that you're talking about was installed
 7 not at the City's expense, but at a developer or
 8 property owner's expense; right?
 9 A That's right. But when it breaks, it's
 10 ours.
 11 Q And the City isn't charging enough in its
 12 monthly rate for that when-it-breaks scenario?
 13 A It's my understanding that it is -- that it
 14 is not. It is expensive to -- to do that the more
 15 miles that we have, and -- and so it's not fully
 16 incorporated.
 17 Q Well, I'm sure the miles -- I get that part.
 18 But are you saying that, as we sit here today, CBU
 19 does not charge enough of non-city residents for
 20 repairs, replacements to equipment that serves those
 21 non-city residents?
 22 A I would say it is not.
 23 Q And your source or basis for that is what,
 24 please?
 25 A Well, conversations with CBU about the cost

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1 of maintenance and -- and repairs and
 2 conversation -- I can't even remember who it
 3 was -- about extension -- potential extension of sewer
 4 outside of corporate boundaries proposed.
 5 Q Did the person -- and I realize you don't
 6 remember their name -- did the person tell you how
 7 long it has been the case that CBU is not charging
 8 enough of its non-city residents to keep up with the
 9 expense of repairs and replacements?
 10 A No.
 11 Q Did you get the sense it's a sudden
 12 realization or a longer-term realization?
 13 A I didn't get a sense of that.
 14 Q And so I just want to make sure I get this.
 15 And so your administration is doing what about that
 16 issue?
 17 A We are currently not doing anything about
 18 that issue. We are waiting for these annexation
 19 hearings to go through to see if these indeed become
 20 corporate boundaries of the City of Bloomington. You
 21 know, when there's a water main break, we have to cut
 22 into somebody else's road and get -- you know,
 23 there's -- there's a whole process that's very
 24 different than when it happens within the city.
 25 Q Can you please help me understand what that

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1 process is?
 2 A Well, I'm -- I'm not a line worker, so
 3 I -- I don't know the full process. But from -- from
 4 my former days of doing some development, you know,
 5 every time you touch the highway, you've got to go
 6 talk to the highway department and you have to get the
 7 street department involved and the planning department
 8 involved every time you -- you touch any of their
 9 stuff. Those are then not contained within
 10 the -- building, right. And so there's -- there's a
 11 significant -- a significant process to coordinate
 12 when it's outside of corporate limits.
 13 Q Oh, I see. So the deficit is in the process
 14 of making the repairs and replacements, it's not in
 15 the CBU having charged enough; is that correct?
 16 MR. MCNEIL: Objection.
 17 Mischaracterizes the record.
 18 You can answer.
 19 THE WITNESS: No, that's now what I
 20 said.
 21 BY MR. BEGGS:
 22 Q Okay. I want to understand what you said.
 23 So --
 24 A Yeah, I mean, there is a process challenge,
 25 but there's a cost challenge too.

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1 Q Okay. So it's both? CBU has failed to
 2 charge enough for non-city residents and there's a
 3 process challenge or process cost that you're
 4 identifying; is that correct?
 5 A Correct.
 6 Q Do you know if the developer of the proposed
 7 project at the Sudbury Farm has been advised that the
 8 City might not have enough capacity to serve that
 9 project?
 10 MR. MCNEIL: Objection. Assumes facts.
 11 You can answer.
 12 THE WITNESS: That has not been our
 13 assessment, actually. And what I stated earlier is
 14 that we're going to do a capacity assessment so that
 15 we know what our growth potential is beyond Sudbury.
 16 BY MR. BEGGS:
 17 Q Oh, so we're not assessing because we're
 18 concerned that if Sudbury comes on line, we don't have
 19 capacity, we're assessing for projects beyond Sudbury?
 20 A That's correct.
 21 Q Thank you. You did say that, I apologize.
 22 And the way that 1A and 1B residents and owners might
 23 have to disconnect their sewer and water service,
 24 which you've said is not your intention, even though
 25 they've been presented with that in this case, is if

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1 Sudbury were to go through and other development in
 2 the city were to use up that capacity; is that right?
 3 A What I think I said was I don't have any
 4 plans to disconnect sewer. It definitely would be
 5 part of the conversation when we're looking at
 6 capacity.
 7 Q Do you happen to know, is City water and
 8 sewer service extended to the entirety of areas 1A and
 9 1B, as we sit here today?
 10 A I do not believe that it is.
 11 Q Do you know on any kind of a basis, whether
 12 fractional, percentage, what portions of 1A and 1B are
 13 not served by City water and sewer service, as we sit
 14 here today?
 15 A I do not.
 16 Q Ask you about sidewalks. Does your
 17 administration have a plan with respect to the
 18 installation of sidewalks in 1A and 1B if involuntary
 19 annexation goes through?
 20 A We will also take that on a case-by-case
 21 basis and incorporate them into our City sidewalk
 22 plan.
 23 Q So from that answer, do I correctly
 24 understand, Mayor, that it would be treated like water
 25 and sewer where those folks would have to pay to build

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1 their own sidewalks?
 2 A Again, I think it would be a case-by-case
 3 basis. New developments are required to -- the
 4 developers are required to install sidewalks.
 5 Currently, there is not any kind of mandate for
 6 existing residents to install a sidewalk where there
 7 is not one.
 8 Q So therefore, in those areas of 1A and 1B
 9 that have no current existing sidewalk, will the City
 10 be putting sidewalks in for them?
 11 A So, again, we'll do that on a case-by-case
 12 basis, and, you know, my -- my genuine expression is
 13 that I am looking forward to talking to residents
 14 about what they want. Some residents, I'm sure, don't
 15 want sidewalks, and others may. We do have a sidewalk
 16 program in the city where, for instance, a
 17 neighborhood could apply to be part of our sidewalk
 18 program and get installation and/or repair of their
 19 sidewalks. So I think that's one of the things that
 20 after annexation goes through, we could talk about.
 21 Q But as we sit here today, you're not
 22 prepared to say that a person who owns property in 1A
 23 or 1B is going to have a sidewalk installed by the
 24 City necessarily if they're involuntarily annexed?
 25 MR. MCNEIL: Objection. Asked and

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1 answered.
 2 You can answer.
 3 BY MR. BEGGS:
 4 Q Because that's going to be a case-by-case
 5 basis, and they can sign up if they want; is that
 6 right?
 7 A Right.
 8 Q Is there a scenario within the sidewalk
 9 program where the property owner pays for the sidewalk
 10 themselves?
 11 A I don't know if that's within the sidewalk
 12 program because our sidewalk program is a funding
 13 mechanism.
 14 Q Let me try again there. Is there a scenario
 15 where the property owner in 1A and 1B, if
 16 involuntarily annexed, would not have to pay for the
 17 installation of a sidewalk at their property if they
 18 want one after the conversation you've talked about
 19 and so forth?
 20 A Yes.
 21 Q And that would come through what source?
 22 A The sidewalk program.
 23 Q Okay. So the sidewalk -- is that a written
 24 program, is that published some place, the terms and
 25 conditions of it?

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1 A I don't -- I actually don't know exactly
 2 where it is, but it is an application process
 3 that -- that neighborhoods and/or individuals can
 4 apply to. And I'm happy to provide those details
 5 later.
 6 Q Are there criteria for the granting or
 7 denying of sidewalk program benefits that you know of?
 8 A Yes, but I don't know what they are.
 9 Q Okay.
 10 A There is an evaluation process.
 11 Q As we sit here today, just to make sure
 12 before we move on, Mayor, as we sit here today, your
 13 administration has no specific location in mind where
 14 it will install sidewalks if involuntary annexation
 15 goes through; is that correct?
 16 A Correct.
 17 Q And I take it there might be and there might
 18 not be installation of sidewalks on properties in 1A
 19 and 1B because that's going to be decided on a
 20 case-by-case basis; is that correct?
 21 MR. MCNEIL: Objection. Asked and
 22 answered.
 23 You can answer.
 24 BY MR. BEGGS:
 25 Q Is that correct?

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1 A Correct.

2 MR. MCNEIL: Bill, if you're switching

3 off of sidewalks, it's been about an hour and 10, 15

4 minutes --

5 MR. BEGGS: Let's do it. Break's fine.

6 MR. MCNEIL: Thank you. Five-,

7 ten-minute break?

8 MR. BEGGS: Sure.

9 THE REPORTER: Off the record at 2:13

10 p.m.

11 (Off the record.)

12 THE REPORTER: We are now back on the

13 record at 2:27 p.m.

14 BY MR. BEGGS:

15 Q Mayor Thompson, we've taken a

16 ten-minute-or-so break. And, again, if you need to

17 take any more breaks, you can just let me know. We'll

18 be happy to accommodate that. We were just talking

19 about sidewalks before we took a break, and I'm going

20 to ask you about street lights and I'm essentially

21 going to ask you the same and similar information.

22 Does your administration have any plans to construct

23 or install street lights in any areas of 1A and 1B if

24 they are involuntarily annexed?

25 A We do not have specific plans. Again, we

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1 would take it on a project-by-project basis.

2 Q And this might be similar to sidewalks and

3 sewer and water, it might not, but with regard to

4 street lights, if a person happens to be in one of

5 those cases that the City says are appropriate for

6 street lights, would those street lights be installed

7 at the expense of the City or at the expense of the

8 property owner?

9 A Again, we would take that on a case-by-case

10 basis.

11 Q Even the funding? Even the expense?

12 A Well, most likely, expenses would

13 be -- typically, street lights are not individual

14 property owner. They're in a development, so we

15 would -- we would need to make plans with

16 neighborhoods on how that would happen.

17 Q So it sounds like the neighborhoods or the

18 owners within the neighborhoods might be paying for

19 those; is that right?

20 A Correct.

21 Q Is it likely they would be paying?

22 A I don't know.

23 Q Has the Thompson Administration considered

24 imposing a fee on people who live in 1A and 1B for

25 using the streets of the City of Bloomington if

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1 involuntary annexation goes through?

2 MR. MCNEIL: Wait, if it goes through?

3 MR. BEGGS: If it -- excuse me, thank

4 you.

5 BY MR. BEGGS:

6 Q If it does not go through.

7 A We have not.

8 Q Mayor, are there any economic development

9 projects within 1A or 1B, to your knowledge?

10 A Not to my knowledge.

11 Q Is that something that you have inquired

12 about or researched or attempted to find out?

13 A It is not.

14 Q Are you aware of any improvements,

15 facilities, buildings, or the like within 1A and 1B

16 that the City has paid to install or construct?

17 A No.

18 Q Is that something that you have researched

19 or attempted to identify or find out?

20 A No.

21 Q Does the City, to your knowledge, have any

22 buildings or any locations where it furnishes services

23 within 1A or 1B?

24 A I don't know. We -- we provide a lot of

25 services 'cause there's plenty of sewer and water

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1 there.

2 Q Anything else?

3 A That's what I know about.

4 Q Mayor Thompson, are you aware of any project

5 or location within areas 1A or 1B that you believe

6 would attract a major new business enterprise to

7 Bloomington?

8 A I'm not.

9 Q Or expand an existing business enterprise?

10 A I know of no plans.

11 Q Mayor Thompson, is it your administration's

12 contention that areas 1A and 1B are needed by the City

13 of Bloomington?

14 A It is not my contention that they are

15 needed. It is my contention that they are already

16 urbanized zones where we're providing City water and

17 sewer, and they have been intended for annexation for

18 the entirety of my existence in this community. And

19 so it's -- it's not a needs-based assessment.

20 They -- they already are behaving as if they're part

21 of the City of Bloomington.

22 Q And you've used the phrase a couple of times

23 today, so I better go back and ask. I think you said

24 urbanized area. What does that mean, please?

25 A Some densification of development proximate

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1 to the city.

2 Q Is there any other definition besides some

3 densification of development proximate to the city?

4 A I'm sure there are, but that's my

5 definition.

6 Q I think you already answered this, but I

7 want to make sure. Does your administration have some

8 intention to use 1A or 1B for its development?

9 MR. MCNEIL: What's the its in that

10 question?

11 MR. BEGGS: For the city's development.

12 THE WITNESS: I -- I don't really

13 understand what you're saying.

14 BY MR. BEGGS:

15 Q Is there some plan, is there some intent, is

16 there some vision, some picture that your

17 administration has of 1A and 1B, of those areas being

18 used for the City of Bloomington's development?

19 A No. There's no vision or such.

20 Q Nor a plan?

21 A No.

22 Q Nor an intention?

23 A Correct.

24 Q Do you happen to know, Mayor Thompson, how

25 many residents per acre there are in 1A and 1B?

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1 A I don't. I know where to find that

2 information, if I need it.

3 Q And where's that?

4 A In the annexation plan.

5 Q Okay. When you say in the annexation plan,

6 are you talking about the fiscal plan prepared by Mr.

7 Reedy?

8 A That's correct.

9 Q And which version of that are you referring

10 to?

11 A I -- I don't know what version, but, you

12 know, we have plenty of City staff that have been

13 working on this for some time and have access to all

14 of this kind of information. So it's not -- these

15 aren't things I've memorized or needed to ask about.

16 Q Understood. Do you know which of those

17 plans you have reviewed?

18 A I don't.

19 Q Is it just one?

20 A Correct.

21 Q Mayor Thompson, do you know how much of

22 areas 1A and 1B are subdivided?

23 A I don't.

24 Q How many sworn officers are employed by the

25 Bloomington Police Department, as we sit here today?

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1 A Eighty-six.

2 Q Has that changed in the short time since you

3 became mayor?

4 A Not significantly, no.

5 Q And if 86 are employed, how many are

6 available for service after you discount for things

7 like sickness and injury and military leave and

8 others?

9 A Well, I guess that varies on a day-to-day

10 basis based on, you know, who's got the flu. But

11 70-ish.

12 Q Has that been a relatively constant number

13 since you became mayor?

14 A Yes. I've only been mayor two months.

15 Q Has that been a relatively constant number

16 since you became a candidate for mayor in January or

17 so of 2023?

18 A It has.

19 Q And you've been asked about that in public

20 settings ad nauseam, haven't you, Mayor?

21 A I've -- I've been asked about it. Something

22 I'm happy to talk about.

23 Q Is 70-ish enough?

24 A Some would say it's too many. Others would

25 say it's not enough. I think in -- in today's

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1 environment, we have -- we have an evolving vision of

2 public safety, so what I can say is that

3 we're -- we're doing a great job. We have just a

4 highly-trained police force who is doing a great job

5 of -- of providing service.

6 Q You say that some think 70-ish available

7 officers is too many, and some think it's too few.

8 What do you think?

9 A You know, I would like to -- beyond talking

10 about numbers, I want to talk about how we're

11 providing public safety. And you may have -- may have

12 observed some of our public meetings about that. We

13 really -- I think to -- to talk about how many

14 officers we need, we need to identify how we're going

15 to structure policing, including what the shifts are

16 and things like downtown resource officers who are

17 making a really significant impact on public safety.

18 Q Okay. And I'll ask you about those. But

19 what do you think of 70-ish sworn officers being

20 available from day to day?

21 A Right now, they're covering us pretty well,

22 and we also have a recruitment and retention plan

23 that -- that we're continuing to improve. And I think

24 that's -- you know, I want to be sure that we have

25 adequate policing but are focused on various upstream

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1 measures of public safety as well.
2 Q And when you say the 70-ish day-in or
3 day-out are covering us pretty well, is it your
4 opinion that 70-ish is enough?
5 A I think it's enough for what we're doing
6 right now, yes.
7 Q Have you made public statements to the
8 contrary in the past?
9 A I have, yes. Before I was in office, I
10 had -- I had looked at the budget numbers and had
11 representation from others that said that we should
12 have more.
13 Q 105.
14 A 105 is what's in our budget.
15 Q What's the other number you've heard
16 Bloomington should have?
17 A Well, I've heard all kinds of numbers about
18 it, but, you know, there are some -- some say that
19 we'd be good at 85 -- some say 100, some say 105.
20 There's a report I'm sure you have seen that says 120.
21 Q And you say?
22 MR. MCNEIL: Objection. Asked and
23 answered.
24 You can answer again.
25 THE WITNESS: Yeah. I would say

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1 that -- that we have coverage now with out 86 sworn
2 officers, and we will continue to recruit because we
3 need to ensure longevity and --
4 BY MR. BEGGS:
5 Q Well, of course, we have -- sorry for
6 interrupting.
7 A Go ahead.
8 Q So of course, we have coverage 'cause they
9 go to work, but you don't think 70-ish or 85 is
10 enough, do you?
11 MR. MCNEIL: Objection. Asked and
12 answered.
13 You can answer again.
14 THE WITNESS: Yeah, I -- I said that I
15 do think that we have coverage right now.
16 BY MR. BEGGS:
17 Q No, I understand that. But that's an answer
18 to a question I didn't ask. I'm asking, do you think
19 that's enough?
20 MR. MCNEIL: She's answered that.
21 THE WITNESS: Yes.
22 BY MR. BEGGS:
23 Q It is enough? Okay. I gather -- but you
24 didn't say this directly -- that the budget number of
25 105 officers is one with which you take exception; is

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1 that right?
2 A I think the budget allows us to recruit up
3 to 105 and -- and that is -- you know, if we -- if we
4 wanted to recruit up to 105 and ensure that
5 we -- various, you know, transfers and things didn't
6 impact us, then -- then we have the budget there.
7 There are, you know, budget allocations made all of
8 the time that don't get spent, so --
9 Q And I'm sure --
10 A -- not necessarily a plan. It's a budget.
11 Q Do you know where that 105 comes from?
12 A I actually don't know exactly how they
13 landed on that number.
14 Q I understand you believe that the 70-ish is
15 enough, and I understand that you believe City of
16 Bloomington is covered now. I get that. Do you know
17 how long it has been that the City of Bloomington has
18 been attempting to hire more police officers than we
19 have now?
20 A I would say I don't know exactly.
21 Q Do you know roughly or approximately?
22 A More than two years, yeah.
23 Q More than five?
24 A Don't know.
25 Q Do you know if those efforts have been

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1 successful?
2 A Yes. I'm told we've never hired so many
3 police officers, so there -- there are a number of
4 factors at play. Lateral transfers seem to be a
5 significant part of it.
6 Q Meaning problem? Inflow of laterals or
7 outflow?
8 A Outflow. So we hire them, and then there's
9 a lateral transfer.
10 Q So that's a problem, isn't it?
11 A I don't know if it's a problem or not, but
12 that is why we've hired so many and we have a constant
13 number. We don't have -- the N is zero.
14 Q I see. We've hired a lot, but we've lost a
15 lot also and so we aren't moving the total number up?
16 A That's correct.
17 Q How many officers does the City of
18 Bloomington need to have if 1A and 1B are
19 involuntarily annexed?
20 MR. MCNEIL: Objection. Lack of
21 foundation.
22 You can answer.
23 MR. BEGGS: It's the mayor of the city.
24 MR. MCNEIL: You're still asking for
25 her personal knowledge. That's a legitimate

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1 objection.

2 THE WITNESS: Yeah, I -- I know that

3 it's in the plan, and I don't know the exact figure

4 right now.

5 BY MR. BEGGS:

6 Q Do you think it's more than what we have

7 now?

8 A Yes.

9 Q Does your administration have a plan for how

10 it would increase the number of officers it employs in

11 light of the history of the department being unable to

12 retain or change the number, I think is what you said?

13 A Yeah, we actually are working on a number of

14 measures currently to improve retention at the police

15 department.

16 Q And those are what, please?

17 A Well, we started with listening sessions at

18 the department and -- and frankly just having a mayor

19 that says that she values the police is a significant

20 step. You know, I -- I have also reversed the

21 decision on Showers West. These -- these significant

22 decision points that directly support the police

23 are -- are meaningful and are tangible to our force.

24 We are talking about a number of other benefits

25 that -- that we haven't rolled out publicly yet, but

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1 we are -- we're working pretty hard on making sure

2 that our police force knows how valued they are. We

3 also have a recruiter that has been hired in the

4 former administration just to focus on public safety

5 recruits.

6 Q When you say public safety, I take it that

7 includes fire?

8 A That's correct.

9 Q So we need more police officers; right? We

10 need to hire more police officers?

11 A For annexation. Is that what you're asking?

12 Q Only for annexation?

13 A That's what I'm answering, yes.

14 Q That is your answer?

15 MR. MCNEIL: Is that your question?

16 Can you ask your question again just so it's clear?

17 BY MR. BEGGS:

18 Q We need more police officers, but only for

19 annexation? Is that your testimony?

20 A Correct.

21 Q We don't need more police officers if the

22 involuntary annexation of 1A and 1B don't go through;

23 is that right?

24 A I -- I have -- I have not come to a

25 conclusion that we do yet.

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1 Q Okay. And with respect to fire -- because

2 you mentioned the recruiter, with respect to

3 firefighters, is there a shortage of firefighters

4 employed by the Bloomington Fire Department?

5 A There is not.

6 Q Okay. How many are employed?

7 A Oh, I can't recall the exact number, but we

8 are fully staffed now.

9 Q Since when? Do you know?

10 A About a month ago.

11 Q You made reference to a report and 120, I

12 think you said. Would you recognize that report as

13 the Novak report?

14 A Correct.

15 Q Have you read that report?

16 A I have. It's been some time.

17 Q Is there any portion of that report that you

18 recall disputing or disagreeing with or not being

19 accepting of?

20 A No, not that I recall.

21 Q Mayor Thompson, do you believe that the

22 officers of the Bloomington Police Department have

23 somehow obstructed or rejected the recommendations of

24 the Novak report?

25 A No. I don't have reason to believe that.

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1 Q Do you believe, Mayor Thompson, that the

2 officers of the Bloomington Police Department have

3 somehow been uncooperative with respect to the

4 recommendations from the Novak report?

5 A No. I have no knowledge of that.

6 Q Do you agree, Mayor Thompson, that the

7 expansion of the city if the involuntary annexation of

8 1A and 1B go through would stretch the Bloomington

9 Police Department sworn officer staff thinner than

10 they are now?

11 A So the -- the annexation plan has one year

12 rollout to get to capacity to -- to provide services,

13 and we will meet that plan.

14 Q So let me understand that. If the judge

15 were to decide that the involuntary annexation of 1A

16 and 1B should go through tomorrow --

17 A Correct.

18 Q -- did your last answer just suggest that

19 the plan that City has proposed would give the City

20 one year to hire enough officers to keep up with the

21 demand?

22 A Yes.

23 Q So for a year, I take it, the City's police

24 department would be stretched thinner than they are

25 now?

<p style="text-align: right;">Page 66</p> <p>1 A That would be correct.</p> <p>2 Q And I take it that even though it's a plan</p> <p>3 to hire more, there have been plans to hire more</p> <p>4 officers for years by the Bloomington Police</p> <p>5 Department; isn't that right?</p> <p>6 A That is correct.</p> <p>7 Q And I get that the Bloomington Police</p> <p>8 Department would want to hire more officers, but it</p> <p>9 may not be able to hire more officers within that one</p> <p>10 year; isn't that correct?</p> <p>11 A I believe that we can hire those officers.</p> <p>12 Q But you may not be able to; correct?</p> <p>13 A Anything's possible, but I believe that we</p> <p>14 can hire them.</p> <p>15 Q Is it good for the residents and owners of</p> <p>16 property in 1A and 1B for there to be a year of police</p> <p>17 protection that is stretched already thinner than it</p> <p>18 is?</p> <p>19 A Well, I think the annexation plan is</p> <p>20 adequate and -- and that we can -- we can get some</p> <p>21 resources in to provide ample coverage.</p> <p>22 Q And I appreciate that you answered a</p> <p>23 question, but let me ask my question again.</p> <p>24 A Okay.</p> <p>25 Q Is it good for the residents and owners of</p>	<p style="text-align: right;">Page 68</p> <p>1 of -- your answer referenced a couple of different</p> <p>2 periods of time. Do you know any of them?</p> <p>3 A I know that it can be as -- you know, it can</p> <p>4 be six months from the time of hire.</p> <p>5 Q Is the City of Bloomington were to hire five</p> <p>6 brand new officers who were not laterals today, are</p> <p>7 you able to testify as to when they would be up and</p> <p>8 running, so to speak, as officers on the force?</p> <p>9 A No. I would ask our recruiter for that</p> <p>10 information or the chief.</p> <p>11 Q Have you ever compared the size of the</p> <p>12 Bloomington Police Department's sworn officers to</p> <p>13 other cities within the state of Indiana?</p> <p>14 A Sorry, sounds like you're asking me the</p> <p>15 physical size of an officer.</p> <p>16 Q Yeah, that's not what I -- it does sound</p> <p>17 like that. Let's try again. Have you ever compared</p> <p>18 the size of the force of the Bloomington Police</p> <p>19 Department's sworn officers to the size of the police</p> <p>20 forces in other cities --</p> <p>21 A No.</p> <p>22 Q -- in Indiana? Have you ever made</p> <p>23 comparisons -- so I don't have to say that</p> <p>24 again -- have you ever made such a comparison with</p> <p>25 respect to other cities, say, in the Midwest?</p>
<p style="text-align: right;">Page 67</p> <p>1 property in 1A and 1B for there to be a year of the</p> <p>2 Bloomington Police Department to be stretched thinner</p> <p>3 than they already are if involuntary annexation should</p> <p>4 go through?</p> <p>5 A I don't think it will have a negative impact</p> <p>6 on those residents.</p> <p>7 Q And why's that?</p> <p>8 A Because we can provide ample coverage.</p> <p>9 Q With the existing force?</p> <p>10 A We will be hiring more, yes, as I have</p> <p>11 stated.</p> <p>12 Q Do you know the process for hiring a police</p> <p>13 officer?</p> <p>14 A I -- I vaguely know it. I don't know it in</p> <p>15 detail.</p> <p>16 Q What's your understanding of it?</p> <p>17 A Well, it depends if they are a lateral</p> <p>18 transfer or new recruit that still needs to go through</p> <p>19 the academy, but we recruit them. They may need to go</p> <p>20 through an academy. Depending on their years of</p> <p>21 service and/or transfer status, they may need to be</p> <p>22 shadowing another officer -- riding with another</p> <p>23 officer for a period of time before they're fully on</p> <p>24 their own.</p> <p>25 Q And do you know any of those periods</p>	<p style="text-align: right;">Page 69</p> <p>1 A I have not.</p> <p>2 Q How about other college towns?</p> <p>3 A I have not.</p> <p>4 Q Do you know, Mayor Thompson, where -- you</p> <p>5 made reference to the plan. I think you mean the</p> <p>6 fiscal plan. And you made reference to a</p> <p>7 recommendation that it has for hiring new police</p> <p>8 officers, and you said that would happen within a</p> <p>9 year. Do you know where that number came from, that</p> <p>10 recommended number came from?</p> <p>11 A I don't.</p> <p>12 Q Who would know that?</p> <p>13 A Well, honestly, probably Chief Diekhoff</p> <p>14 knows that. There are others who know that as well.</p> <p>15 Q Others at the City?</p> <p>16 A Yeah.</p> <p>17 Q Who?</p> <p>18 A Well, I think Larry Allen has been working</p> <p>19 partially on it. I think the recruiter knows about</p> <p>20 it.</p> <p>21 Q What's the recruiter's name, please?</p> <p>22 A What is his name? Steve.</p> <p>23 Q Steve.</p> <p>24 A And I am such a first-name person. It's</p> <p>25 Steve. I always see him in the room across the hall.</p>

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1 Q How long has Steve been employed here?
 2 A Oh, I don't know. Less than a year.
 3 Q He was employee of the prior administration?
 4 A Yes. He was -- that position was named in
 5 the prior administration.
 6 Q So do you know when in the prior
 7 administration he was hired?
 8 A I -- I just told you I don't know.
 9 Q And so he's been trying to recruit more
 10 public safety officers since some time in 2023, I take
 11 it?
 12 A And he has been recruiting them, yes.
 13 Q Okay. He didn't have a different job, is
 14 what I'm trying to rule out.
 15 A Correct.
 16 Q Is he a public safety officer himself?
 17 A He is not.
 18 Q Mayor Thompson, will commercial property
 19 owners experience tax increases if the involuntary
 20 annexation of 1A and 1B goes through?
 21 A Again, I think it's a case-by-case basis,
 22 but I assume they would.
 23 Q Because I know there are some -- you talked
 24 about residential properties earlier. Do you think
 25 that commercial properties would be different or the

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1 same in terms of some of them will and some of them
 2 won't?
 3 A I would think that they're the same.
 4 Q Okay. Do you know of any reason why tax
 5 increases experienced by commercial property owners
 6 wouldn't be passed onto their customers, their
 7 tenants, or their users?
 8 MR. MCNEIL: Objection. Lack of
 9 foundation. Calls for speculation.
 10 You can answer.
 11 THE WITNESS: I have no idea.
 12 BY MR. BEGGS:
 13 Q You have no idea if a commercial property
 14 owner gets a higher tax bill if they're going to pass
 15 it onto their customers or their tenants?
 16 A I haven't talked to them.
 17 Q And why not?
 18 A Because we're in the middle of a court case,
 19 and it's not prudent for me to be reaching out to any
 20 of the involved parties.
 21 Q So you can't know at all if they would pass
 22 those increases on?
 23 A That's right.
 24 Q How much has the City of Bloomington paid
 25 thus far for its annexation efforts?

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1 A I don't know.
 2 Q How much approximately has the City of
 3 Bloomington paid for its annexation efforts?
 4 A I don't know.
 5 Q You have no idea whatsoever?
 6 A I don't know.
 7 Q Do you have any idea whatsoever?
 8 A I do not.
 9 Q Do you know how much the City of Bloomington
 10 has paid for its annexation efforts within the last 12
 11 months?
 12 A I do not.
 13 Q Do you know how much it's paid since you
 14 became mayor?
 15 A I do not.
 16 Q Are those numbers that you believe you have
 17 known and are just forgetting, or have you never known
 18 them?
 19 A I read a public article at some point about
 20 how much the City was likely to have spent, and we are
 21 going through the finances from the last
 22 administration right now, so we don't have -- I don't
 23 have any accurate figures. Our controller, Jessica
 24 McClellan, has more accurate figures, and I could ask
 25 her for what she has.

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1 Q Has that number, has that expense item been
 2 important to you since you've become mayor?
 3 A It has been important to me that the City
 4 has already invested in the annexation case and -- and
 5 so yes, it -- it has been important to me.
 6 Q But is knowing the number important to you?
 7 A Knowing the exact number in my decision in
 8 pursuing this was -- was not important. It was just
 9 the significance of what's already been invested.
 10 Q Well, you mentioned your decision in
 11 pursuing this. You mean the involuntary annexation of
 12 1A and 1B or something else?
 13 A Yeah, in pursuing annexation in general.
 14 Yes.
 15 Q And so when you were making the decision to
 16 pursue annexation in general, am I understanding
 17 correctly that you made that decision with no idea
 18 whatsoever of how much the City had incurred in
 19 expenses?
 20 MR. MCNEIL: Let's go off the record
 21 for a moment.
 22 THE REPORTER: Off the record at 3:03
 23 p.m.
 24 (Off the record.)
 25 THE REPORTER: Back on the record at

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1 3:03 p.m.
2 MR. MCNEIL: We need to go off the
3 record to discuss the potential assertion of the
4 legislative and executive privilege when it comes to
5 deliberations of executive officers of government
6 bodies. That's why we're going off the record.
7 THE REPORTER: All right. Off the
8 record at 3:04.
9 (Off the record.)
10 THE REPORTER: We're now back on the
11 record at 3:12 p.m.
12 MR. MCNEIL: All right. So we had a
13 discussion. The Bloomington team had a discussion
14 outside of the conference room off the record. There
15 is a privilege under Indiana law, as I said, for a
16 government executive and legislative bodies when it
17 comes to the deliberative process and their motives.
18 We're going to allow the witness to answer the
19 question. We're going to ask the court reporter to
20 read it back, then she can answer it.
21 But I felt that question got closer to
22 privilege issues than anything else you'd asked so
23 far, Bill. So you can ask any question you want.
24 We'll evaluate it on a case-by-case basis. But with
25 respect to this question, she can answer it. We're

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1 not going to assert the privilege 'cause I don't think
2 it gets at the heart of the privilege issue.
3 MR. BEGGS: Will you please read that
4 back, Andrew?
5 THE REPORTER: One moment, please.
6 (Repeated the record.)
7 MR. MCNEIL: You can answer.
8 THE WITNESS: So yes, I had -- I think
9 I had already stated this, that I had read a public
10 news article about an estimate of how much the City
11 had spent. I didn't have -- I don't have precise
12 figures and likely would be hard to quantify that,
13 given all the City staff time and consultants and
14 everybody else. I do know it's -- it's been quite
15 significant.
16 BY MR. BEGGS:
17 Q So you mentioned a public news article. In
18 which publication was that, please?
19 A I believe it was the B Square.
20 Q And can you tell us when you read that
21 article?
22 A I cannot.
23 Q Or when it was written or published?
24 A I cannot recall.
25 Q Do you think it was during your

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1 administration --
2 A No.
3 Q -- or before?
4 A It was before.
5 Q Okay. Do you think it was after you had won
6 the November election or before?
7 A I don't recall.
8 Q And from what you have discovered thus far
9 since taking office, was the number that you read in
10 the B Square accurate?
11 A I don't have an accurate accounting of the
12 complete total of how much the City has invested.
13 Q Was the number that you read in the B Square
14 accurate based on what you have seen thus far?
15 A I do not know.
16 Q Okay. Was the number that you read in the B
17 Square in the ballpark?
18 A I do not know.
19 Q You don't even know the ballpark?
20 A I don't know.
21 Q Is any of the money that you think I'm
22 asking about and that you're answering about today, is
23 any of it private money or is it all public dollars
24 that you're answering me? Are you thinking public
25 dollars or private dollars?

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1 A I'm thinking public dollars.
2 Q Okay. I meant to ask public dollars, but I
3 want to make sure we're on the same page. So you're
4 unable to have pulled up that number in the 60-some
5 days you've been in office, or you just haven't
6 elected to do so?
7 A I have not elected to do so.
8 Q Do you know of anybody on your staff that
9 has done so?
10 A I don't know if they specifically tallied
11 that figure, so I -- I guess the answer would be no.
12 Q And then you said words to the effect of,
13 but I know it's quite significant. Did I quote you
14 accurately?
15 A Sounds right.
16 Q And what do you mean, in your definition,
17 what is quite significant?
18 A Well, I would say anything in excess of
19 \$100,000 is quite significant.
20 Q Mayor Thompson, do you have any criticism of
21 the Monroe County Sheriff's Department?
22 A I do not.
23 Q Do you have any criticism of the police
24 services that the Monroe County Sheriff's Department
25 furnishes or provides?

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1 A I do not.
 2 Q Do you have any criticism of the Monroe
 3 County Parks Department?
 4 A I do not.
 5 Q Do you have any criticism of the Monroe
 6 County Highway Department?
 7 A I don't.
 8 Q Do you think all three of those agencies are
 9 good at what they do?
 10 A I actually -- I live within the city limits.
 11 I have always lived within the city limits, and so I
 12 don't have a vast amount of experience of relying on
 13 any of those three departments.
 14 Q Yeah, but you've been an active, involved
 15 person in this community. Do you have any problems
 16 with the services any of them provide?
 17 A Well, I've already answered that I don't
 18 have any criticism of them.
 19 Q You were quoted in the Herald-Times in a
 20 February 10 of 2024 article, and you sort of touched
 21 on this earlier. Believe me, you may have been
 22 misquoted, so I want to --
 23 A Yeah.
 24 Q -- get that out of the way first.
 25 MR. BEGGS: And I don't have copies of

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1 this, so you guys are -- I didn't plan to make an
 2 exhibit, even.
 3 MR. MCNEIL: Do you want us to make
 4 copies?
 5 MR. BEGGS: I don't think we need to.
 6 I just want to ask her about something that's in it,
 7 so I don't need copies.
 8 MR. MCNEIL: Let's go and see if we
 9 need to make it an exhibit.
 10 MR. BEGGS: Yeah, that's fine. That's
 11 fine.
 12 THE WITNESS: What do you want to ask
 13 me about?
 14 BY MR. BEGGS:
 15 Q So you've been handed a copy of a February
 16 10, 2024, article from the Herald-Times, and on that
 17 first page, do you see a section that I've highlighted
 18 in yellow?
 19 A Mm-hmm.
 20 Q Would you mind reading that for a moment?
 21 A "Thompson's Administration announced January
 22 5th the Mayor had ordered internal reviews of city
 23 matters, including litigation, and charged Corporation
 24 Counsel Margie Rice with leading a review of all
 25 cases -- value taxpayers and make recommendations to

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1 Thompson on whether the City should continue with
 2 litigation."
 3 Q Yeah, that's the section I was going to ask
 4 you about. And whether it was in that article or
 5 others, we're sitting here today, so we know that your
 6 decision is to have proceeded with the annexation
 7 involuntarily of 1A and 1B. My question is, the
 8 reference in there to value to the taxpayers, is that
 9 something you charged somebody in your administration
 10 with determining or establishing?
 11 A Yes. As it states here, I asked Corporation
 12 Counsel to look at all of the litigation and determine
 13 whether or not we would pursue it.
 14 Q But there's another reference in there to
 15 the value to the taxpayers. You see that?
 16 A Mm-hmm.
 17 Q Yes?
 18 A Yes.
 19 Q You got to say yes.
 20 A Yeah.
 21 Q Did you charge Ms. Rice with that as well,
 22 the value part?
 23 MR. MCNEIL: Objection. Asked and
 24 answered. That's what the document says.
 25 MR. BEGGS: She read back something

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1 different than what I'd asked.
 2 BY MR. BEGGS:
 3 Q So my question to you is, Mayor Thompson,
 4 what did you determine is the value to the taxpayers
 5 of pursuing the involuntary annexation of 1A and 1B?
 6 MR. MCNEIL: Objection. So as the
 7 article states, Corporation Counsel was charged with
 8 that evaluation and make recommendations. So what
 9 you're asking about now is attorney-client
 10 communication. We instruct the witness not to answer.
 11 MR. BEGGS: Very well.
 12 BY MR. BEGGS:
 13 Q Do you refuse to answer based on advice of
 14 Counsel?
 15 A Correct.
 16 Q Okay. Now let me ask a similar question.
 17 Outside of what your attorney advised you, what is the
 18 value of the involuntary annexation of 1A and 1B to
 19 the residents of the City of Bloomington?
 20 MR. MCNEIL: To the -- okay.
 21 MR. BEGGS: I'm not asking what she was
 22 told by her attorney. I'm asking what's her answer to
 23 that question.
 24 MR. MCNEIL: Her impression of the
 25 value to the citizens?

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1 MR. BEGGS: Yeah.

2 BY MR. BEGGS:

3 Q And I'll specifically exclude what your

4 lawyer said to you. What's your conclusion?

5 MR. MCNEIL: You can answer it, to the

6 extent you can do so without disclosing the

7 attorney-client communication with --

8 MR. BEGGS: Agreed.

9 MR. MCNEIL: -- Corporation Counsel.

10 MR. BEGGS: Agreed.

11 MR. MCNEIL: If you can. If not, you

12 just need to state as such.

13 THE WITNESS: I'm not sure I can answer

14 that without disclosing discussions with attorney.

15 BY MR. BEGGS:

16 Q Are you able to answer that question and

17 identify your opinion of the value of pursuing the

18 involuntary annexation of 1A and 1B to the taxpayers

19 in the City of Bloomington based on anything separate

20 from what Ms. Rice told you?

21 A Well, as -- as I have publicly stated, you

22 know, the -- the annexation's been going on for a

23 number of years, and the City obviously has invested

24 staff time as well as resources for counsel and

25 consultants on this. And it is -- you know, 1A and

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1 1B, in addition to other areas, are already living and

2 behaving as if they are part of the City of

3 Bloomington, and so, in fact, the value to our

4 taxpayers is that pursuing this is essentially not

5 wasting what's already come before and ensuring that

6 we follow through with an annexation plan that -- that

7 in fact was put into place several administrations

8 ago.

9 Q When you say the value is not wasting what's

10 come before, I take it that's the money that's been

11 spent?

12 A And the time and -- and everything else,

13 yes.

14 Q That's the reason you've elected to pursue

15 it?

16 MR. MCNEIL: Objection.

17 Mischaracterizes --

18 BY MR. BEGGS:

19 Q Is that the reason you elected to pursue it?

20 A No. I listed a bunch of things and -- and,

21 you know, there -- there are several reasons that I

22 elected to pursue it.

23 Q Is one of them because staff time has been

24 incurred, City of Bloomington staff time has been

25 incurred?

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1 A That's one of them.

2 Q Attorney fees have been incurred?

3 A Correct.

4 Q Expert witness fees have been incurred?

5 A Yes. But I did not list that.

6 Q Residents of 1A and 1B are already living

7 and behaving as if they are part of the city?

8 A The properties are.

9 Q In 1A and 1B?

10 A Correct because it was intended for

11 annexation back in the Fernandez Administration.

12 Q Not wasting what's come before?

13 A Correct.

14 Q That's money? That's finances?

15 A Correct.

16 Q Follow through with the plan that was

17 created before you came into office?

18 A Correct.

19 Q Any others?

20 MR. MCNEIL: Objection to the extent

21 you omitted any from her answer. The record is --

22 MR. BEGGS: Yeah, and I don't --

23 MR. MCNEIL: -- for that.

24 MR. BEGGS: That's why I'm asking. If

25 I do omit any, I want her to tell me. I want to know

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1 what they are.

2 THE WITNESS: I mean,

3 there's -- there's been -- yes, there -- there are

4 sort of a myriad of reasons that I decided to pursue

5 this and I -- I think we -- we have already gotten

6 this far down the road, and I am looking forward to

7 welcoming new residents to the City of Bloomington

8 and -- and to serving them well.

9 BY MR. BEGGS:

10 Q Any other reasons?

11 A There may be some, but I am not thinking of

12 them right now.

13 Q Mayor Thompson, have you ever heard the

14 phrase, right-sizing or right-size the city?

15 A I have heard that term.

16 Q Where did you hear that?

17 A From John Hamilton.

18 Q What does that phrase mean?

19 MR. MCNEIL: Objection. To her --

20 MR. BEGGS: Yeah.

21 MR. MCNEIL: -- or to John Hamilton?

22 MR. BEGGS: Well, I just asked her what

23 it means. I mean, if --

24 THE WITNESS: I don't know what it


25 means to John Hamilton. I have heard the term.

<p style="text-align: right;">Page 86</p> <p>1 I -- I actually don't know what it means in the 2 context it has been provided. I assume it means 3 that -- similar to something I just said. These areas 4 are really already developed as part of the City of 5 Bloomington. They have been -- they've been virtually 6 incorporated. You know, you can't tell where the city 7 boundary is when you drive into these places. 8 And, you know, in fact, when I moved 9 here and started building residences, I used to 10 actually go to the city planning department to get 11 permits and -- and planning authorization in the areas 12 intended for annexation. And so for -- for years and 13 years, they've been really behaving as if they are 14 part of the city. Now, that planning piece changed 15 several years ago, but in terms of whose planning 16 department you go to and -- but it's -- it's been 17 decades that they've been living like the city. 18 BY MR. BEGGS: 19 Q If a person needs to go to a planning 20 department and they have property in 1A or 1B, whose 21 department do they go to? 22 A I don't know if you still have to go to 23 both. But you at least have to go to the County. 24 Q Just back to the first part of that. Do I 25 understand correctly that right-sizing the city in the</p>	<p style="text-align: right;">Page 88</p> <p>1 Q Whereabouts? 2 A Somewhere on the south side, like maybe on 3 South Walnut and one on Moores Pikes. 4 Q East on Moores Pike? 5 A That's -- well, from here, that is east of 6 here. 7 Q So you mean at 446? 8 A It's -- it's west of 446. There's now a 9 sign that says, "City of Bloomington welcomes you," or 10 something. 11 Q And the other one was where, please? 12 A I think I've seen one on South Old State 13 Road 37, Walnut Street. 14 Q Do you know how far south? 15 A I would imagine that they are at the 16 corporate limits, but I'm not sure. 17 Q Any others? 18 A Are there any other? 19 Q Signs that tell a person they have left the 20 City of Bloomington's boundary and are going into some 21 other entity's boundary? 22 A I can't think of any. There may be some. 23 And -- and to be clear, I don't believe these things 24 say, you are entering the corporate -- I -- I don't 25 think it's as formal as that. I think it says, "City</p>
<p style="text-align: right;">Page 87</p> <p>1 context of annexation of 1A and 1B is not a phrase you 2 have a definition for? And I know that's your 3 predecessor's term, but I think I'm hearing, that's 4 not my term; is that correct? 5 A It's not my term. 6 Q When you said a moment ago that you can't 7 tell the boundary when traveling from the city to 8 either 1A or the city to 1B, are you able to tell the 9 boundary in other locations? 10 A I would say to the north, it becomes 11 distinctly more sparse. 12 Q You mean on the highway, on 69, or someplace 13 else? 14 A On 37, on Walnut, as you head out. Yeah, I 15 mean, it becomes -- it's developed in a completely 16 different way. You know, we -- we had the two-mile 17 fringe for a long time and -- and that was -- because 18 it was an area intended for annexation, a lot of 19 development was allowed to happen there. In fact, by 20 definition, as if it were already in the city. 21 Q But you're not saying there's a sign or 22 something similar to a sign that tells a person 23 they're moving from the city's jurisdiction to the 24 county's jurisdiction? I think that's -- 25 A There are actually now a couple of signs.</p>	<p style="text-align: right;">Page 89</p> <p>1 of Bloomington welcomes you." 2 Q The welcome type thing. 3 MR. BEGGS: One moment, please. 4 MR. MCNEIL: On or off? 5 MR. BEGGS: Let's take a short break. 6 THE REPORTER: All right. Off the 7 record at 3:33 p.m. 8 (Off the record.) 9 THE REPORTER: Back on the record at 10 3:42 p.m. 11 MR. BEGGS: We'll ask that 56 be made 12 part of the deposition. We have no further questions. 13 Thank you, Mayor. 14 MR. MCNEIL: We have no questions. We 15 want the witness to review and sign the deposition 16 transcript. 17 THE REPORTER: Okay. Regarding orders, 18 Mr. Beggs, are you ordering this transcript? 19 MR. BEGGS: Yes, please. 20 THE REPORTER: Mr. McNeil, do you need 21 a copy? 22 MR. MCNEIL: Yes. 23 THE REPORTER: Okay. And do you need a 24 copy, Ms. Rice? 25 MR. MCNEIL: No, just --</p>


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1 THE REPORTER: Okay. All right. In
 2 that case, we are now off the record at 3:43 p.m.
 3 (Signature reserved.)
 4 (Whereupon, at 3:43 p.m., the
 5 proceeding was concluded.)
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1 CERTIFICATE OF TRANSCRIBER
 2 I, PROMY ISLAM, 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 in the outcome of this action.
 13

 14
 15 PROMY ISLAM
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 17
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 22
 23
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 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

 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

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1 Veritext Legal Solutions
 2 1100 Superior Ave
 3 Suite 1820
 4 Cleveland, Ohio 44114
 5 Phone: 216-523-1313
 6
 7 March 26, 2024
 8 To: ANDREW M. MCNEIL
 9
 10 Case Name: County Residents Against Annexation, Inc., Et Al. v. City
 11 Of Bloomington, Indiana, Et Al.
 12 Veritext Reference Number: 6485948
 13 Witness: Mayor Kerry Thompson Deposition Date: 3/8/2024
 14
 15 Dear Sir/Madam:
 16 Enclosed please find a deposition transcript. Please have the witness
 17 review the transcript and note any changes or corrections on the
 18 included errata sheet, indicating the page, line number, change, and
 19 the reason for the change. Have the witness' signature notarized and
 20 forward the completed page(s) back to us at the Production address
 21 shown
 22 above, or email to production-midwest@veritext.com.
 23
 24 If the errata is not returned within thirty days of your receipt of
 25 this letter, the reading and signing will be deemed waived.
 Sincerely,
 Production Department
 NO NOTARY REQUIRED IN CA

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1 DEPOSITION REVIEW
CERTIFICATION OF WITNESS

2

3 ASSIGNMENT REFERENCE NO: 6485948
CASE NAME: County Residents Against Annexation, Inc., Et Al.
v. City Of Bloomington, Indiana, Et Al.
DATE OF DEPOSITION: 3/8/2024

4 WITNESS' NAME: Mayor Kerry Thompson

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 Mayor Kerry Thompson

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

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1 ERRATA SHEET
VERITEXT LEGAL SOLUTIONS MIDWEST

2 ASSIGNMENT NO: 6485948

3 PAGE/LINE(S) / CHANGE /REASON

4 _____
5 _____
6 _____
7 _____
8 _____
9 _____
10 _____
11 _____
12 _____
13 _____
14 _____
15 _____
16 _____
17 _____
18 _____
19 _____

20 Date Mayor Kerry Thompson

21 SUBSCRIBED AND SWORN TO BEFORE ME THIS _____
22 DAY OF _____, 20____.

23 _____
Notary Public

24 _____
Commission Expiration Date

25

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1 DEPOSITION REVIEW
CERTIFICATION OF WITNESS

2

3 ASSIGNMENT REFERENCE NO: 6485948
CASE NAME: County Residents Against Annexation, Inc., Et Al.
v. City Of Bloomington, Indiana, Et Al.
DATE OF DEPOSITION: 3/8/2024

4 WITNESS' NAME: Mayor Kerry Thompson

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 Mayor Kerry Thompson

14

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

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

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

23 _____
Notary Public

24 _____
Commission Expiration Date

25

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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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