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STATE OF INDIANA  
COUNTY OF MONROE  
IN THE MONROE CIRCUIT COURT

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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

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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

A P P E A R A N C E S

1  
2 ON BEHALF OF REMONSTRATOR/APPELLANT/PETITIONER COUNTY  
3 RESIDENTS AGAINST ANNEXATION, INC., AN INDIANA NOT FOR  
4 PROFIT CORPORATION:

5 WILLIAM J. BEGGS, ESQUIRE

6 Bunger & Robertson

7 211 South College Avenue

8 Bloomington, IN 47404

9 wjbeggs@lawbr.com

10 (812) 332-9295

11  
12 ON BEHALF OF RESPONDENT THE COMMON COUNCIL OF THE CITY  
13 OF BLOOMINGTON, MONROE COUNTY, INDIANA:

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16 111 Monument Circle

17 Indianapolis, IN 46204

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A P P E A R A N C E S (Cont'd)

ON BEHALF OF RESPONDENT THE COMMON COUNCIL OF THE CITY  
OF BLOOMINGTON, MONROE COUNTY, INDIANA:

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(317) 684-5465

MARGIE RICE, ESQUIRE

Corporation Counsel for City of Bloomington

401 North Morton Street

Bloomington, IN 47404

margie.rice@bloomington.in.gov

(812) 349-3426

ALSO PRESENT:

Margaret Clements, County Residents Against  
Annexation, Inc. Corporate Representative

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I N D E X

EXAMINATION:	PAGE
By Mr. Beggs	7

E X H I B I T S

NO.	DESCRIPTION	PAGE
Exhibit 56	Map of Proposed Annexation Areas	10

QUESTIONS INSTRUCTED NOT TO ANSWER

PAGE	LINE
81	10

1 P R O C E E D I N G S

2 THE REPORTER: Good afternoon. My name  
3 is Andrew Pronschinske; I am the reporter assigned by  
4 Veritext to take the record of this proceeding. We  
5 are now on the record at 1:08 p.m.

6 This is the deposition of Kerry  
7 Thompson taken in the matter of County Residents  
8 Against Annexation, Inc., an Indiana not for profit  
9 corporation, et al. vs. The Common Council of the City  
10 of Bloomington, Monroe County, Indiana, et al. on  
11 March 8, 2024, at the Bloomington City Hall, 401 North  
12 Morton Street, Room 225, Bloomington, Indiana 47404.

13 I am a notary authorized to take  
14 acknowledgments and administer oaths in Indiana.

15 Additionally, absent an objection on  
16 the record before the witness is sworn, all parties  
17 and the witness understand and agree that any  
18 certified transcript produced from the recording of  
19 this proceeding:

- 20 - is intended for all uses permitted  
21 under applicable procedural and  
22 evidentiary rules and laws in the  
23 same manner as a deposition recorded  
24 by stenographic means; and  
25 - shall constitute written stipulation

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.

EXAMINATION

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BY MR. BEGGS:

Q Will you please state your full name for the record?

A Kerry Thompson.

Q Your occupation, please?

A Mayor, City of Bloomington.

Q Your business address?

A 401 North Morton, Bloomington, Indiana.

Q As you undoubtedly know, Mayor Thompson, I'll be asking you questions today. If at any time you don't hear the question, don't understand the question, or need me to repeat it for any reason whatsoever, you please let me know and I'll be happy to do so. Okay?

A Mm-hmm.

Q You are going to be at times asked questions that would call for a yes or a no, and if you happen to shake or nod or say uh-huh or uh-huh, even though I would probably know what you meant, that's hard for him to type. So if I correct you or ask you to clarify it, please don't be offended. I'm just trying to get a clear record.

A Of course.

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

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



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

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?

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

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

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

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

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

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



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

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?

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.

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?

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.

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

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?

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?



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.

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

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

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

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

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.

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

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



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 --

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.

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?

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?

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.

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?

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        //

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



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,

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

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

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.

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

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

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

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?



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?

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

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

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

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

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?

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?

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



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

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

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

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

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

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

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.

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.



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?

1           A       That would be correct.

2           Q       And I take it that even though it's a plan  
3 to hire more, there have been plans to hire more  
4 officers for years by the Bloomington Police  
5 Department; isn't that right?

6           A       That is correct.

7           Q       And I get that the Bloomington Police  
8 Department would want to hire more officers, but it  
9 may not be able to hire more officers within that one  
10 year; isn't that correct?

11          A       I believe that we can hire those officers.

12          Q       But you may not be able to; correct?

13          A       Anything's possible, but I believe that we  
14 can hire them.

15          Q       Is it good for the residents and owners of  
16 property in 1A and 1B for there to be a year of police  
17 protection that is stretched already thinner than it  
18 is?

19          A       Well, I think the annexation plan is  
20 adequate and -- and that we can -- we can get some  
21 resources in to provide ample coverage.

22          Q       And I appreciate that you answered a  
23 question, but let me ask my question again.

24          A       Okay.

25          Q       Is it good for the residents and owners of

1 property in 1A and 1B for there to be a year of the  
2 Bloomington Police Department to be stretched thinner  
3 than they already are if involuntary annexation should  
4 go through?

5 A I don't think it will have a negative impact  
6 on those residents.

7 Q And why's that?

8 A Because we can provide ample coverage.

9 Q With the existing force?

10 A We will be hiring more, yes, as I have  
11 stated.

12 Q Do you know the process for hiring a police  
13 officer?

14 A I -- I vaguely know it. I don't know it in  
15 detail.

16 Q What's your understanding of it?

17 A Well, it depends if they are a lateral  
18 transfer or new recruit that still needs to go through  
19 the academy, but we recruit them. They may need to go  
20 through an academy. Depending on their years of  
21 service and/or transfer status, they may need to be  
22 shadowing another officer -- riding with another  
23 officer for a period of time before they're fully on  
24 their own.

25 Q And do you know any of those periods

1 of -- your answer referenced a couple of different  
2 periods of time. Do you know any of them?

3 A I know that it can be as -- you know, it can  
4 be six months from the time of hire.

5 Q Is the City of Bloomington were to hire five  
6 brand new officers who were not laterals today, are  
7 you able to testify as to when they would be up and  
8 running, so to speak, as officers on the force?

9 A No. I would ask our recruiter for that  
10 information or the chief.

11 Q Have you ever compared the size of the  
12 Bloomington Police Department's sworn officers to  
13 other cities within the state of Indiana?

14 A Sorry, sounds like you're asking me the  
15 physical size of an officer.

16 Q Yeah, that's not what I -- it does sound  
17 like that. Let's try again. Have you ever compared  
18 the size of the force of the Bloomington Police  
19 Department's sworn officers to the size of the police  
20 forces in other cities --

21 A No.

22 Q -- in Indiana? Have you ever made  
23 comparisons -- so I don't have to say that  
24 again -- have you ever made such a comparison with  
25 respect to other cities, say, in the Midwest?

1 A I have not.

2 Q How about other college towns?

3 A I have not.

4 Q Do you know, Mayor Thompson, where -- you  
5 made reference to the plan. I think you mean the  
6 fiscal plan. And you made reference to a  
7 recommendation that it has for hiring new police  
8 officers, and you said that would happen within a  
9 year. Do you know where that number came from, that  
10 recommended number came from?

11 A I don't.

12 Q Who would know that?

13 A Well, honestly, probably Chief Diekhoff  
14 knows that. There are others who know that as well.

15 Q Others at the City?

16 A Yeah.

17 Q Who?

18 A Well, I think Larry Allen has been working  
19 partially on it. I think the recruiter knows about  
20 it.

21 Q What's the recruiter's name, please?

22 A What is his name? Steve.

23 Q Steve.

24 A And I am such a first-name person. It's  
25 Steve. I always see him in the room across the hall.

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

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?

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.



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

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

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

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?

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?

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

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

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



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?

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

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?

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

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.

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

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.

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



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 --

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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CERTIFICATE OF DEPOSITION OFFICER

I, ANDREW PRONSCHINSKE, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



ANDREW PRONSCHINSKE

Notary Public in and for the  
State of Indiana

Review of the transcript was requested.

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CERTIFICATE OF TRANSCRIBER

I, PROMY ISLAM, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



PROMY ISLAM

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

March 26, 2024

To: ANDREW M. MCNEIL

Case Name: County Residents Against Annexation, Inc., Et Al. v. City  
Of Bloomington, Indiana, Et Al.

Veritext Reference Number: 6485948

Witness: Mayor Kerry Thompson                      Deposition Date: 3/8/2024

Dear Sir/Madam:

Enclosed please find a deposition transcript. Please have the witness review the transcript and note any changes or corrections on the included errata sheet, indicating the page, line number, change, and the reason for the change. Have the witness' signature notarized and forward the completed page(s) back to us at the Production address shown

above, or email to [production-midwest@veritext.com](mailto:production-midwest@veritext.com).

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

Sincerely,

Production Department

NO NOTARY REQUIRED IN CA

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DEPOSITION REVIEW  
CERTIFICATION OF WITNESS

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

WITNESS' NAME: Mayor Kerry Thompson

In accordance with the Rules of Civil Procedure, I have read the entire transcript of my testimony or it has been read to me.

I have made no changes to the testimony as transcribed by the court reporter.

\_\_\_\_\_  
Date Mayor Kerry Thompson

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

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

I have affixed my name and official seal  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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Notary Public  
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Commission Expiration Date

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DEPOSITION REVIEW  
CERTIFICATION OF WITNESS

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

WITNESS' NAME: Mayor Kerry Thompson

In accordance with the Rules of Civil Procedure, I have read the entire transcript of my testimony or it has been read to me.

I have listed my changes on the attached Errata Sheet, listing page and line numbers as well as the reason(s) for the change(s).

I request that these changes be entered as part of the record of my testimony.

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

\_\_\_\_\_  
Date Mayor Kerry Thompson

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

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

I have affixed my name and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

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Commission Expiration Date





<b>&amp;</b>	21:22 22:15	23:1 24:4,11	<b>225</b> 1:21 5:12
<b>&amp;</b> 2:6,15 3:5	23:1 24:4,11	24:21,24 25:6	<b>26</b> 93:4
<b>0</b>	24:21,24 25:6	26:10,19 27:19	<b>27071</b> 91:16
<b>000509</b> 1:12	26:10,19 27:19	28:11,24 29:20	<b>29660</b> 92:14
<b>1</b>	28:11,23 29:20	30:1 31:8,25	<b>2:27</b> 50:13
<b>1</b> 8:7 38:10	29:25 31:8,25	32:8,17 33:23	<b>3</b>
<b>10</b> 4:7,11 50:3	32:8,17 33:22	34:8 35:6,14	<b>3/8/2024</b> 93:9
78:20 79:16	34:8 35:6,14	35:17 36:21	94:3 95:3
<b>10,000</b> 31:19,19	35:17 36:18,20	37:10,18 38:12	<b>317</b> 2:19 3:9
<b>100</b> 58:19	37:10,18 38:11	45:22 46:9,12	<b>332-9295</b> 2:10
<b>100,000</b> 77:19	45:22 46:8,12	46:18 47:8,23	<b>349-3426</b> 3:16
<b>105</b> 58:13,14,19	46:18 47:8,22	48:15 49:19	<b>37</b> 87:14 88:13
59:25 60:3,4	48:15 49:18	50:23 51:24	<b>3:04</b> 74:8
60:11	50:23 51:24	52:9,15,23	<b>3:12</b> 74:11
<b>1100</b> 93:1	52:9,15,23	53:5,12 54:8	<b>3:33</b> 89:7
<b>111</b> 2:16 3:6	53:5,12 54:8	54:17,25 55:22	<b>3:42</b> 89:10
<b>12</b> 72:10	54:17,25 55:22	61:18 63:22	<b>3:43</b> 90:2,4
<b>120</b> 58:20	61:18 63:22	65:8,16 66:16	<b>4</b>
64:11	65:8,15 66:16	67:1 70:20	<b>401</b> 1:21 3:13
<b>1200</b> 27:7	67:1 70:20	73:12 80:7	5:11 7:9
<b>14</b> 9:1	73:12 80:7	81:5,18 82:18	<b>44114</b> 93:2
<b>15</b> 50:3	81:5,18 82:18	83:1 84:6,9	<b>446</b> 88:7,8
<b>1820</b> 93:2	82:25 84:6,9	86:20 87:1,8	<b>46204</b> 2:17 3:7
<b>1:08</b> 1:19 5:5	86:20 87:1,8	<b>2</b>	<b>47404</b> 1:22 2:8
<b>1a</b> 8:22 9:3,10	<b>1b</b> 8:22 9:4,10	<b>20</b> 32:12 94:16	3:14 5:12
9:15 10:25	9:15 11:2,10	95:22 96:22	<b>5</b>
11:8,18,18,23	11:18,19,23	<b>2023</b> 8:11	<b>53c06-2203</b>
12:10,21 13:8	12:11,21 13:8	56:17 70:10	1:11
14:9,9,21,22	14:9,10,21,22	<b>2024</b> 1:18 5:11	<b>56</b> 4:7 10:6,7
15:7,17 16:8	15:7,17 16:9	8:7 78:20	10:10 89:11
16:21 17:8,10	16:21 17:8,10	79:16 93:4	<b>5th</b> 79:22
18:2,3,14,20	18:2,3,14,20	<b>211</b> 2:7	
19:9,18 20:3	19:9,18 20:3	<b>216-523-1313</b>	
20:22 21:5,12	20:22 21:5,13	93:3	
20:22 21:5,12	21:22 22:15		

<b>6</b>	<b>access</b> 39:17 55:13	86:1,10 87:25	<b>affixed</b> 94:15 95:21
<b>60</b> 77:4 <b>6485948</b> 1:24 93:8 94:2 95:2 96:2 <b>684-5253</b> 2:19 <b>684-5465</b> 3:9 <b>69</b> 87:12	<b>accommodate</b> 8:3 50:18 <b>accordance</b> 94:5 95:5 <b>account</b> 19:13 35:17 <b>accounting</b> 76:11 <b>accurate</b> 31:11 72:23,24 76:10 76:11,14 91:9 92:5 <b>accurately</b> 77:14 <b>acknowledge</b> 94:11 95:16 <b>acknowledg...</b> 5:14 <b>acre</b> 54:25 <b>acreage</b> 12:10 <b>acres</b> 11:8,18 11:22 12:16 <b>act</b> 94:14 95:20 <b>action</b> 91:12,16 92:8,12 <b>active</b> 78:14 <b>actual</b> 41:25 42:1 <b>actually</b> 28:25 32:11 38:20 40:15 45:13 49:1 60:12 62:13 78:10	<b>ad</b> 56:20 <b>add</b> 34:4 <b>added</b> 40:6 <b>addition</b> 83:1 <b>additionally</b> 5:15 <b>address</b> 7:8 14:6 93:16 <b>adequate</b> 57:25 66:20 <b>administer</b> 5:14 <b>administration</b> 9:7 12:20 13:7 14:7,15,19 17:25 18:13,18 19:8 27:19 28:9 32:21 34:8 36:2 39:2 43:15 46:17 49:13 50:22 51:23 54:7,17 62:9 63:4 70:3 70:5,7 72:22 76:1 79:21 80:9 84:11 <b>administratio...</b> 25:5 53:11 <b>administrations</b> 83:7 <b>advice</b> 81:13 <b>advised</b> 45:7 81:17	<b>agencies</b> 78:8 <b>ago</b> 35:25 64:10 83:8 86:15 87:6 <b>agree</b> 5:17 65:6 <b>agreeable</b> 32:18 <b>agreed</b> 82:8,10 <b>agreement</b> 33:15 <b>ahead</b> 59:7 <b>al</b> 1:7,13 5:9,10 93:6,7 94:3,3 95:3,3 <b>allen</b> 69:18 <b>allocations</b> 60:7 <b>allow</b> 74:18 <b>allowed</b> 87:19 <b>allows</b> 60:2 <b>amcneil</b> 2:18 <b>amend</b> 31:13 <b>amount</b> 21:3 78:12 <b>ample</b> 66:21 67:8 <b>andrew</b> 1:23 2:14 5:3 6:13 75:4 91:2,17 93:5 <b>annex</b> 10:13
<b>7</b>	<b>7</b> 4:3 <b>70</b> 56:11,23 57:6,19 58:2,4 59:9 60:14		
<b>8</b>	<b>8</b> 1:18 5:11 <b>81</b> 4:11 <b>812</b> 2:10 3:16 <b>85</b> 58:19 59:9 <b>86</b> 56:5 59:1		
<b>a</b>	<b>ability</b> 12:7 13:25 26:16 91:10 92:7 <b>able</b> 66:9,12 68:7 82:16 87:8 <b>above</b> 93:17 <b>absent</b> 5:15 <b>absolutely</b> 13:20 <b>academy</b> 67:19 67:20 <b>accepting</b> 64:19		

<p><b>annexation</b> 1:6 2:3 3:20 4:7 5:8 6:8 8:21 9:3 13:2 14:2 17:2,7 18:8,13 25:7 27:21 28:11 29:25 30:11 32:11,12 32:20 33:7,16 34:10 36:17,20 37:11 43:18 46:19 47:20 49:14 52:1 53:17 55:4,5 63:11,12,19,22 65:7,11,15 66:19 67:3 70:20 71:25 72:3,10 73:4 73:11,13,16 80:6 81:5,18 82:18 83:6 84:11 86:12 87:1,18 93:6 94:3 95:3</p> <p><b>annexation's</b> 82:22</p> <p><b>annexed</b> 9:10 9:15 12:21 13:9 15:13,18 16:13 18:21 19:10,19 20:3 21:6,13,23 22:16 23:3 24:12,21 26:20</p>	<p>37:13 38:4,14 47:24 48:16 50:24 61:19</p> <p><b>announced</b> 79:21</p> <p><b>answer</b> 4:9 9:2 13:9,12,16,16 13:17 14:13,24 15:2,10,23 16:1,3 17:16 17:20 18:6,11 19:5,7 20:6,10 20:11,19 21:20 22:1,20 26:4 27:13,23 29:10 33:12 35:15 36:9 37:19 38:17 39:21 41:6 44:18 45:11 46:23 48:2 49:23 58:24 59:13,17 61:22 63:14 65:18 68:1 71:10 74:18,20 74:25 75:7 77:11 81:10,13 81:22 82:5,13 82:16 84:21</p> <p><b>answered</b> 13:12 17:12 18:5 20:5,8,9 21:1,25 23:21 48:1 49:22 54:6 58:23</p>	<p>59:12,20 66:22 78:17 80:24</p> <p><b>answering</b> 37:22 63:13 76:22,24</p> <p><b>answers</b> 34:6 38:1 42:5</p> <p><b>anybody</b> 25:2 35:11,23 77:8</p> <p><b>anybody's</b> 34:13</p> <p><b>anything's</b> 66:13</p> <p><b>apologize</b> 24:10 45:21</p> <p><b>appear</b> 94:11 95:15</p> <p><b>appears</b> 10:15</p> <p><b>appellant</b> 2:2</p> <p><b>appellants</b> 1:8</p> <p><b>appended</b> 95:11,18</p> <p><b>applicable</b> 5:21</p> <p><b>application</b> 49:2</p> <p><b>apply</b> 47:17 49:4</p> <p><b>appreciate</b> 17:17 66:22</p> <p><b>appropriate</b> 51:5</p> <p><b>approved</b> 35:8 35:12</p> <p><b>approximately</b> 12:9 60:21</p>	<p>72:2</p> <p><b>area</b> 10:25 18:8 53:24 87:18</p> <p><b>areas</b> 4:7 8:22 9:4,10,19 10:12 14:17 15:12,13,18 17:7 25:6 46:8 47:8 50:23 53:5,12 54:17 55:22 83:1 86:3,11</p> <p><b>article</b> 72:19 75:10,17,21 78:20 79:16 80:4 81:7</p> <p><b>asked</b> 7:17 13:12 17:12 18:4 20:4,7 21:24 23:20 24:9 29:5 32:17 33:4 34:10,18 37:17 47:25 49:21 56:19,21 58:22 59:11 74:22 80:11,23 81:1 85:22</p> <p><b>asking</b> 7:11 17:5,6 21:10 21:19 24:16 59:18 61:24 63:11 68:14 76:22 81:9,21 81:22 84:24</p>
---	---	--	--

<b>aspects</b> 17:3 <b>assert</b> 75:1 <b>assertion</b> 74:3 <b>assesses</b> 32:5 <b>assessing</b> 45:17 45:19 <b>assessment</b> 36:15 45:13,14 53:19 <b>assigned</b> 5:3 <b>assignment</b> 94:2 95:2 96:2 <b>assume</b> 10:16 70:22 86:2 <b>assumes</b> 33:10 38:16 45:10 <b>assuming</b> 35:7 <b>assumption</b> 35:19,24 <b>assure</b> 10:24 <b>attached</b> 95:7 <b>attempted</b> 52:12,19 <b>attempting</b> 10:13 17:7 60:18 <b>attendance</b> 6:3 <b>attorney</b> 17:3 81:9,17,22 82:7,14 84:2 91:14 92:10 <b>attorneys</b> 16:17 16:17 32:18 <b>attract</b> 53:6	<b>audio</b> 91:8 92:3 <b>authorization</b> 86:11 <b>authorize</b> 95:11 <b>authorized</b> 5:13 25:16 <b>available</b> 56:6 57:6,20 <b>ave</b> 93:1 <b>avenue</b> 2:7 <b>aware</b> 29:23 52:14 53:4	46:11,21 47:3 47:12 48:5 49:20 51:1,10 56:10 70:21 74:24 <b>beggs</b> 2:5 4:3 6:5,5 7:2 13:14 14:18 15:4,14 15:24 16:4,7 17:21,24 18:9 20:7,14 22:4 22:22 27:17 33:20 38:9,23 40:1 44:21 45:16 48:3 49:24 50:5,8 50:14 52:3,5 54:11,14 59:4 59:16,22 61:23 62:5 63:17 71:12 75:3,16 78:25 79:5,10 79:14 80:25 81:2,11,12,21 82:1,2,8,10,15 83:18 84:22,24 85:9,20,22 86:18 89:3,5 89:11,18,19 <b>beginning</b> 6:4 <b>behalf</b> 2:2,12 3:2 6:5 <b>behaving</b> 53:20 83:2 84:7 86:13	<b>believe</b> 10:22 14:14,15 17:12 19:23 23:23 29:8 40:24,25 41:25 46:10 53:5 60:14,15 64:21,25 65:1 66:11,13 72:16 75:19 78:21 88:23 <b>believes</b> 17:9 <b>benchmark</b> 31:13 <b>benefit</b> 31:3 <b>benefits</b> 49:7 62:24 <b>best</b> 13:4,24 14:6,8,10,20 15:6 16:8,11 17:9,22 18:1,3 18:7 91:10 92:6 <b>better</b> 14:9,21 17:10 18:2 53:23 <b>beyond</b> 39:8 45:15,19 57:9 <b>bill</b> 6:5 50:2 71:14 74:23 <b>bit</b> 10:15 <b>bloomington</b> 1:12,20,22 2:8 2:13 3:3,12,14 5:10,11,12 7:7 7:9 8:13,17,22
	<b>b</b> <b>b</b> 4:5 75:19 76:10,13,16 <b>back</b> 12:3 19:11 20:1 31:9 38:8 42:5 50:12 53:23 73:25 74:10,20 75:4 80:25 84:11 86:24 89:9 93:16 <b>balances</b> 21:15 <b>ballpark</b> 20:21 21:16 76:17,19 <b>base</b> 17:1 23:5 <b>based</b> 31:21 32:5 53:19 56:10 76:14 81:13 82:19 <b>basis</b> 25:9,25 26:10,13 28:8 32:4 42:23		

<p>9:11,16,23,25                  10:13 11:17                  12:22,25 16:13                  18:20 19:9,17                  20:2,22 21:5                  21:22 22:17                  24:20 26:6                  30:9 32:24,25                  33:2,14 34:2                  34:15,22 43:20                  51:25 53:7,13                  53:21 55:25                  58:16 60:16,17                  61:18 64:4,22                  65:2,8 66:4,7                  67:2 68:5,12                  68:18 71:24                  72:3,9 74:13                  81:19 82:19                  83:3,24 85:7                  86:5 88:9 89:1                  93:7 94:3 95:3  <b>bloomington's</b>                  54:18 88:20  <b>bloomington....</b>                  3:15  <b>blucher</b> 28:18                  28:22 29:6  <b>bodies</b> 74:6,16  <b>bose</b> 2:15 3:5  <b>boselaw.com</b>                  2:18 3:8  <b>bottom</b> 28:20  <b>boundaries</b>                  39:8,10 43:4</p>	<p>43:20  <b>boundary</b> 86:7                  87:7,9 88:20                  88:21  <b>brand</b> 40:22                  68:6  <b>break</b> 8:1 43:21                  50:7,16,19                  89:5  <b>break's</b> 50:5  <b>breakers</b> 23:15  <b>breaks</b> 42:9,12                  50:17  <b>broad</b> 27:5  <b>brought</b> 39:15  <b>budget</b> 58:10                  58:14 59:24                  60:2,6,7,10  <b>build</b> 46:25  <b>building</b> 44:10                  86:9  <b>buildings</b> 52:15                  52:22  <b>bunch</b> 83:20  <b>bunger</b> 2:6  <b>business</b> 7:8                  53:6,9</p>	<p><b>calls</b> 14:12                  22:19 27:11                  34:18 39:19                  71:9  <b>candidate</b> 8:8                  56:16  <b>capable</b> 31:5,7                  31:8  <b>capacity</b> 8:12                  21:8 30:2,3,6                  30:10,19,22                  31:4,6,18,25                  32:5 33:1,8,22                  34:22 35:6,14                  36:4 45:8,14                  45:19 46:2,6                  65:12  <b>capital</b> 9:18,18                  28:13 31:14,20                  36:15 37:21  <b>care</b> 13:19 14:4                  14:5  <b>case</b> 15:6 25:9                  25:9 26:10,10                  26:13,13 28:8                  28:8 43:7                  45:25 46:20,20                  47:2,2,11,11                  48:4,4 49:20                  49:20 51:9,9                  70:21,21 71:18                  73:4 74:24,24                  90:2 93:6 94:3                  95:3</p>	<p><b>cases</b> 51:5                  79:25  <b>cause</b> 1:10                  52:25 59:8                  75:1  <b>causes</b> 16:15  <b>cbu</b> 28:13 29:1                  29:6,23 32:12                  32:24 35:23                  36:1,14 37:21                  37:23 40:12                  41:7,21 42:18                  42:25 43:7                  44:15 45:1  <b>certainly</b> 17:5                  32:22  <b>certificate</b> 91:1                  92:1 95:11  <b>certification</b>                  94:1 95:1  <b>certified</b> 5:18  <b>certify</b> 91:4                  92:2  <b>challenge</b> 44:24                  44:25 45:3  <b>change</b> 62:12                  93:14,15 95:8                  96:3  <b>changed</b> 56:2                  86:14  <b>changes</b> 93:13                  94:7 95:7,9  <b>characterize</b>                  13:15</p>
	<p><b>c</b></p>		
	<p><b>c</b> 2:1 3:1,4 5:1  <b>ca</b> 93:25  <b>call</b> 7:18 17:8                  30:15  <b>called</b> 6:22 15:6  <b>calling</b> 15:21                  15:24</p>		

<b>charge</b> 42:19 45:2 80:21 <b>charged</b> 44:15 79:23 80:9 81:7 <b>charging</b> 41:7 42:11 43:7 <b>check</b> 28:6 <b>chief</b> 68:10 69:13 <b>circle</b> 2:16 3:6 <b>circuit</b> 1:3 23:15 <b>circumstances</b> 23:14 <b>cities</b> 68:13,20 68:25 <b>citizens</b> 81:25 <b>city</b> 1:11,20 2:12 3:2,12 5:9 5:11 6:12,14 7:7 8:13,17,21 9:11,16,17,23 9:25 10:12 11:17 12:22,25 14:15,16 16:13 18:20 19:4,9 19:17 20:2,22 21:4,12,22 22:16 23:6 24:20 25:13,22 26:6,15,23 27:9 28:1 29:24 32:14,18 32:23,25 33:2	33:14,16,17,18 34:3,5,14,22 36:21 37:9,13 37:15 38:4,12 38:18,19,21 39:8,8,10,15,16 39:18 40:6,8 40:11,11 41:9 41:13,22 42:11 42:19,21 43:8 43:20,24 45:2 45:8 46:2,7,13 46:21 47:9,16 47:24 51:5,7 51:25 52:16,21 53:12,16,21 54:1,3,18 55:12 60:15,17 61:17,23 65:7 65:19,19 68:5 69:15 71:24 72:2,9,20 73:3 73:18 75:10,13 76:12 78:10,11 79:22 80:1 81:19 82:19,23 83:2,24 84:7 85:7,14 86:4,6 86:10,14,17,25 87:7,8,20 88:9 88:20,25 93:6 94:3 95:3 <b>city's</b> 10:22 26:21 28:5 31:4 38:5 42:7	54:11 65:23 87:23 <b>civil</b> 8:14,16 94:5 95:5 <b>clarify</b> 7:22 <b>clear</b> 7:23 34:13,14,17 63:16 88:23 <b>clements</b> 3:19 6:7,7 <b>cleveland</b> 93:2 <b>client</b> 81:9 82:7 <b>close</b> 29:16 <b>closer</b> 74:21 <b>college</b> 2:7 69:2 <b>come</b> 24:22 31:9 33:1 38:20 48:21 63:24 83:5,10 84:12 <b>comes</b> 45:18 60:11 74:4,17 <b>coming</b> 34:2 <b>commercial</b> 70:18,25 71:5 71:13 <b>commission</b> 94:19 95:25 96:25 <b>commit</b> 31:8 39:8 <b>common</b> 1:11 2:12 3:2 5:9 <b>communication</b> 81:10 82:7	<b>community</b> 53:18 78:15 <b>compared</b> 68:11,17 <b>comparison</b> 68:24 <b>comparisons</b> 68:23 <b>complete</b> 76:12 <b>completed</b> 93:16 <b>completely</b> 87:15 <b>concern</b> 33:8 33:23 <b>concerned</b> 45:18 <b>concerns</b> 14:6 <b>concluded</b> 90:5 <b>conclusion</b> 14:12 15:25 22:19 63:25 82:4 <b>conclusions</b> 15:22 <b>conditions</b> 48:25 <b>conducting</b> 14:2 <b>conference</b> 74:14 <b>connect</b> 37:6,10 38:22 <b>connected</b> 32:9 36:21
---	--	--	---

<p><b>connecting</b> 27:16</p> <p><b>connection</b> 27:18 36:23 37:5 38:13,19 38:19</p> <p><b>connections</b> 33:15</p> <p><b>consider</b> 13:7 14:7 15:6 18:13 26:10</p> <p><b>considered</b> 18:19 19:8 51:23</p> <p><b>constant</b> 56:12 56:15 61:12</p> <p><b>constitute</b> 5:25</p> <p><b>constitutional</b> 39:13</p> <p><b>construct</b> 50:22 52:16</p> <p><b>consultants</b> 75:13 82:25</p> <p><b>cont'd</b> 3:1</p> <p><b>contained</b> 44:9</p> <p><b>contend</b> 9:21 14:19 17:25 22:14</p> <p><b>contention</b> 53:12,14,15</p> <p><b>context</b> 86:2 87:1</p> <p><b>contiguous</b> 40:20</p>	<p><b>continue</b> 39:3 59:2 80:1</p> <p><b>continued</b> 39:4</p> <p><b>continuing</b> 57:23</p> <p><b>contract</b> 36:7</p> <p><b>contracted</b> 27:10</p> <p><b>contractor</b> 27:15,25 28:4</p> <p><b>contrary</b> 58:8</p> <p><b>controller</b> 72:23</p> <p><b>conversation</b> 43:2 46:5 48:18</p> <p><b>conversations</b> 42:25</p> <p><b>coordinate</b> 44:11</p> <p><b>copies</b> 78:25 79:4,7</p> <p><b>copy</b> 79:15 89:21,24</p> <p><b>corporate</b> 3:20 43:4,20 44:12 88:16,24</p> <p><b>corporation</b> 1:7 2:4 3:12 5:9 6:9 79:23 80:11 81:7 82:9</p> <p><b>correct</b> 7:21 9:8 10:4 12:15 19:25 22:12,13</p>	<p>24:15 25:1,21 26:7,8,23 37:8 37:15 38:6,25 39:14 44:15 45:4,5,20 49:15,16,20,25 50:1 51:20 54:23 55:8,20 61:16 63:8,20 64:14 65:17 66:1,6,10,12 70:15 81:15 84:3,10,13,15 84:18 87:4</p> <p><b>corrections</b> 93:13 95:17</p> <p><b>correctly</b> 15:19 26:4 27:23 34:6 38:2 39:16 41:21 46:23 73:17 86:25</p> <p><b>cost</b> 26:25 27:6 41:25 42:1,25 44:25 45:3</p> <p><b>costs</b> 27:4</p> <p><b>council</b> 1:11 2:12 3:2 5:9</p> <p><b>counsel</b> 3:12 6:10,11,13 79:24 80:12 81:7,14 82:9 82:24 91:11,14 92:7,10</p>	<p><b>county</b> 1:2,5,12 2:2,13 3:3,19 5:7,10 6:8 10:14 77:21,24 78:3,6 86:23 93:6 94:3,10 95:3,15</p> <p><b>county's</b> 87:24</p> <p><b>couple</b> 53:22 68:1 87:25</p> <p><b>course</b> 7:24 41:7 59:5,8</p> <p><b>court</b> 1:3 15:5 15:12,17 16:6 16:10,19 71:18 74:19 94:7</p> <p><b>coverage</b> 59:1,8 59:15 66:21 67:8</p> <p><b>covered</b> 60:16</p> <p><b>covering</b> 57:21 58:3</p> <p><b>created</b> 84:17</p> <p><b>crisis</b> 34:3</p> <p><b>criteria</b> 49:6</p> <p><b>criticism</b> 77:20 77:23 78:2,5 78:18</p> <p><b>current</b> 32:5 37:15 47:9</p> <p><b>currently</b> 25:13 25:16 38:21 43:17 47:5 62:14</p>
--	--	--	--

<b>customers</b> 71:6 71:15 <b>cut</b> 43:21	<b>degree</b> 16:22 <b>deliberations</b> 74:5 <b>deliberative</b> 74:17 <b>delivered</b> 9:23 9:25 <b>delivering</b> 9:17 <b>delivery</b> 9:21 <b>demand</b> 65:21 <b>densification</b> 53:25 54:3 <b>denying</b> 49:7 <b>department</b> 34:23 44:6,7,7 55:25 62:11,15 62:18 64:4,22 65:2,9,24 66:5 66:8 67:2 77:21,24 78:3 78:6 86:10,16 86:20,21 93:22 <b>department's</b> 68:12,19 <b>departments</b> 78:13 <b>depending</b> 67:20 <b>depends</b> 25:14 28:3 34:9 67:17 <b>deployment</b> 35:17 <b>deposition</b> 1:16 5:6,23 89:12	89:15 91:1 93:9,12 94:1,3 95:1,3 <b>describe</b> 35:6 <b>description</b> 4:6 <b>detail</b> 67:15 <b>details</b> 49:4 <b>determine</b> 16:20 25:9,9 25:12 30:6 80:12 81:4 <b>determined</b> 35:23 <b>determining</b> 80:10 <b>developed</b> 86:4 87:15 <b>developer</b> 25:17 41:15 42:7 45:6 <b>developer's</b> 25:20 <b>developers</b> 25:23 47:4 <b>development</b> 30:8,10,12,15 30:23 31:22,22 34:2 44:4 46:1 51:14 52:8 53:25 54:3,8 54:11,18 87:19 <b>developments</b> 47:3 <b>diekhoff</b> 69:13	<b>difference</b> 10:23 24:20 <b>different</b> 22:6 24:19 32:17 41:6 43:24 68:1 70:13,25 81:1 87:16 <b>digital</b> 91:8 92:3 <b>dime</b> 37:12 <b>directly</b> 59:24 62:22 <b>disagreeing</b> 64:18 <b>disclosing</b> 82:6 82:14 <b>disconnect</b> 34:9 34:12 45:23 46:4 <b>disconnected</b> 33:5 <b>disconnecting</b> 32:19 <b>discount</b> 56:6 <b>discovered</b> 76:8 <b>discuss</b> 74:3 <b>discussion</b> 74:13,13 <b>discussions</b> 82:14 <b>disputing</b> 64:18 <b>distance</b> 12:1 <b>distinctly</b> 87:11
<b>d</b>			
<b>d</b> 4:1 5:1 <b>date</b> 1:18 93:9 94:3,9,19 95:3 95:13,25 96:20 96:25 <b>day</b> 56:9,9 57:20,20 58:2 58:3 94:16 95:22 96:22 <b>days</b> 44:4 77:5 93:19 <b>dear</b> 93:10 <b>decades</b> 86:17 <b>decide</b> 15:17 65:15 <b>decided</b> 49:19 85:4 <b>deciding</b> 15:12 16:6,10 <b>decision</b> 34:7 39:2 62:21,22 73:7,10,15,17 80:6 <b>deed</b> 94:14 95:20 <b>deemed</b> 93:20 <b>deficit</b> 44:13 <b>definitely</b> 46:4 <b>definition</b> 54:2 54:5 77:16 87:2,20			



<p><b>distinguishing</b> 36:24</p> <p><b>document</b> 20:18 80:24</p> <p><b>documents</b> 20:13,18</p> <p><b>doing</b> 30:2,3,5 31:6,10,23 36:15 40:21 41:13 43:15,17 44:4 57:3,4 58:5</p> <p><b>dollars</b> 20:25 21:21 22:8,11 76:23,25,25 77:1,2</p> <p><b>domain</b> 41:1</p> <p><b>downtown</b> 57:16</p> <p><b>draws</b> 32:5</p> <p><b>drill</b> 17:2</p> <p><b>drive</b> 86:7</p> <p><b>dug</b> 28:4</p> <p><b>duly</b> 6:22 91:5</p>	<p><b>efforts</b> 40:8 60:25 71:25 72:3,10</p> <p><b>eight</b> 32:16</p> <p><b>eighty</b> 56:1</p> <p><b>either</b> 9:22 20:22 35:10 87:8</p> <p><b>elected</b> 77:6,7 83:14,19,22</p> <p><b>election</b> 76:6</p> <p><b>else's</b> 43:22</p> <p><b>email</b> 93:17</p> <p><b>employed</b> 55:24 56:5 64:4,6 70:1 91:11,14 92:8 92:11</p> <p><b>employee</b> 70:3 91:13 92:10</p> <p><b>employs</b> 62:10</p> <p><b>enclosed</b> 93:12</p> <p><b>encompassed</b> 41:10</p> <p><b>engaged</b> 35:22</p> <p><b>ensure</b> 13:2 31:7 59:3 60:4</p> <p><b>ensuring</b> 83:5</p> <p><b>entered</b> 95:9</p> <p><b>entering</b> 88:24</p> <p><b>enterprise</b> 53:6 53:9</p> <p><b>entire</b> 94:5 95:5</p> <p><b>entirety</b> 46:8 53:18</p>	<p><b>entity</b> 9:17,23 10:2 13:24 32:25</p> <p><b>entity's</b> 88:21</p> <p><b>environment</b> 57:1</p> <p><b>equipment</b> 42:20</p> <p><b>errata</b> 93:14,19 95:7,10,18 96:1</p> <p><b>es</b> 91:4</p> <p><b>especially</b> 40:20</p> <p><b>esquire</b> 2:5,14 3:4,11</p> <p><b>essentially</b> 50:20 83:4</p> <p><b>established</b> 24:17 32:24 34:1 40:25</p> <p><b>establishing</b> 80:10</p> <p><b>estimate</b> 75:10</p> <p><b>estimating</b> 27:4</p> <p><b>et</b> 1:7,13 5:9,10 93:6,7 94:3,3 95:3,3</p> <p><b>etcetera</b> 25:14 25:15 36:6 40:19 41:14</p> <p><b>evaluate</b> 74:24</p> <p><b>evaluation</b> 49:10 81:8</p>	<p><b>evans</b> 2:15 3:5</p> <p><b>event</b> 19:18 21:5</p> <p><b>everybody</b> 37:1 75:14</p> <p><b>evidence</b> 33:11 33:11</p> <p><b>evidentiary</b> 5:22</p> <p><b>evolving</b> 57:1</p> <p><b>exact</b> 20:17 62:3 64:7 73:7</p> <p><b>exactly</b> 49:1 60:12,20</p> <p><b>examination</b> 4:2 7:1</p> <p><b>examined</b> 6:24</p> <p><b>except</b> 37:11</p> <p><b>exception</b> 59:25</p> <p><b>excess</b> 77:18</p> <p><b>exclude</b> 82:3</p> <p><b>excuse</b> 52:3</p> <p><b>executed</b> 95:10</p> <p><b>execution</b> 94:14 95:19</p> <p><b>executive</b> 13:23 74:4,5,16</p> <p><b>exhibit</b> 4:7 10:5 10:6,7 79:2,9</p> <p><b>existence</b> 53:18</p> <p><b>existing</b> 28:10 29:24 37:17 47:6,9 53:9 67:9</p>
<p><b>e</b> 2:1,1 3:1,1 4:1 4:5 5:1,1</p> <p><b>earlier</b> 36:18 42:5 45:13 70:24 78:21</p> <p><b>east</b> 88:4,5</p> <p><b>economic</b> 19:17 52:8</p> <p><b>effect</b> 77:12</p>			

<p><b>expand</b> 53:9  <b>expansion</b> 65:7  <b>expansions</b>  34:22  <b>expected</b> 20:2  23:1  <b>expending</b>  41:23  <b>expense</b> 26:17  26:22 37:12  38:5 40:4,6,10  40:16 41:15  42:7,8 43:9  51:7,7,11 73:1  <b>expenses</b> 19:2  19:14,23 21:3  21:4,10,12,17  22:11 25:20  26:18 51:12  73:19  <b>expensive</b>  40:18 42:3,4  42:14  <b>experience</b> 23:2  23:16 26:25  70:19 78:12  <b>experienced</b>  71:5  <b>expert</b> 84:4  <b>expiration</b>  94:19 95:25  96:25  <b>explain</b> 25:11  <b>expression</b>  47:12</p>	<p><b>extend</b> 39:3  <b>extended</b> 46:8  <b>extending</b> 25:6  <b>extension</b> 43:3  43:3  <b>extensions</b>  25:10,12  <b>extent</b> 14:11  15:8 22:18  82:6 84:20</p> <hr/> <p style="text-align: center;"><b>f</b></p> <hr/> <p><b>facilitate</b> 14:16  <b>facilities</b> 28:10  28:15 29:25  37:18 40:19  52:15  <b>facility</b> 28:16  31:5  <b>fact</b> 16:12 32:9  83:3,7 86:8  87:19  <b>factors</b> 61:4  <b>facts</b> 33:10  38:16 45:10  <b>failed</b> 28:4 45:1  <b>fair</b> 16:4,24  <b>far</b> 71:25 74:23  76:8,14 85:6  88:14  <b>farm</b> 45:7  <b>feasible</b> 31:17  <b>february</b> 78:20  79:15  <b>fee</b> 27:16,18  28:2,5 38:19</p>	<p>40:14 51:24  <b>feel</b> 13:4 29:9  <b>fees</b> 84:2,4  <b>felt</b> 74:21  <b>fernandez</b>  84:11  <b>figure</b> 62:3  77:11  <b>figured</b> 18:10  <b>figures</b> 20:17  22:3 72:23,24  75:12  <b>finance</b> 26:8  <b>finances</b> 72:21  84:14  <b>financial</b> 20:13  <b>financially</b>  18:14 22:15  24:4 91:15  92:11  <b>find</b> 52:12,19  55:1 93:12  <b>finding</b> 40:22  <b>fine</b> 8:12 17:4  21:16 32:7  50:5 79:10,11  <b>finished</b> 35:20  <b>fire</b> 12:2 63:7  64:1,4  <b>firefighters</b>  64:3,3  <b>first</b> 6:22 10:9  69:24 78:24  79:17 86:24</p>	<p><b>fiscal</b> 20:20  21:7,14 55:6  69:6  <b>five</b> 19:1 50:6  60:23 68:5  <b>flat</b> 18:22 19:24  <b>flu</b> 56:10  <b>focus</b> 40:7 63:4  <b>focused</b> 57:25  <b>folks</b> 25:13  34:18 38:2,10  40:11 46:25  <b>follow</b> 21:2  24:2 83:6  84:16  <b>following</b> 41:5  <b>follows</b> 6:24  <b>foot</b> 7:25  <b>force</b> 57:4  62:23 63:2  67:9 68:8,18  <b>forces</b> 68:20  <b>foregoing</b> 91:3  91:4 92:4  94:13 95:18  <b>forgetting</b>  11:13 72:17  <b>formal</b> 88:25  <b>former</b> 41:15  44:4 63:4  <b>forth</b> 48:19  <b>forward</b> 47:13  85:6 93:16  <b>foundation</b>  39:20 61:21</p>
---	--	--	--

<p>71:9  <b>fractional</b>  46:12  <b>frankly</b> 62:18  <b>free</b> 94:14  95:20  <b>friday</b> 1:18  <b>fringe</b> 87:17  <b>front</b> 10:5 22:3  <b>full</b> 7:3 35:17  44:3  <b>fully</b> 42:15 64:8  67:23  <b>funding</b> 48:12  51:11  <b>furnish</b> 41:23  <b>furnished</b> 38:4  <b>furnishes</b> 41:9  52:22 77:25  <b>further</b> 89:12  91:13 92:9  <b>future</b> 18:23,24  31:21 32:10</p>	<p><b>given</b> 23:15  75:13  <b>go</b> 27:4 29:1  30:1 32:20  33:17 43:19  44:5 46:1 52:6  53:23 59:7,9  63:22 65:8,16  67:4,18,19  73:20 74:2  79:8 86:10,16  86:19,21,22,23  <b>goes</b> 25:7 27:21  28:11 31:15,18  33:7 34:10  35:7,18 36:17  36:20 37:11  41:16 46:19  47:20 49:15  52:1,2 70:20  <b>going</b> 7:17  19:15 26:14  27:6 30:6  36:10 37:20  39:10,23 40:5  41:17,18 45:14  47:23 48:4  49:19 50:19,21  57:14 71:14  72:21 74:6,18  74:19 75:1  80:3 82:22  88:20  <b>good</b> 5:2 58:19  66:15,25 78:9</p>	<p><b>gotten</b> 85:5  <b>government</b>  8:14,16 9:12  9:12,24 14:1  14:16 17:6,9  19:12 74:5,16  <b>governmental</b>  9:17 13:24  <b>granting</b> 49:6  <b>great</b> 39:9 57:3  57:4  <b>greater</b> 41:14  <b>gross</b> 19:3,5,7,8  20:2,21 21:22  <b>group</b> 15:3  <b>growth</b> 32:6  45:15  <b>guess</b> 9:1 13:10  13:18 56:9  77:11  <b>guys</b> 79:1</p>	<p>51:16 54:24  69:8 87:19  <b>happens</b> 43:24  51:4  <b>happy</b> 7:14 8:2  25:25 49:4  50:18 56:22  <b>hard</b> 7:20 63:1  75:12  <b>harm</b> 16:15,20  <b>head</b> 8:14 9:11  9:16 10:3 17:6  87:14  <b>hear</b> 7:12 15:19  33:8 85:16  <b>heard</b> 13:5  31:23 33:21  58:15,17 85:13  85:15,25  <b>hearing</b> 6:17  17:2 87:3  <b>hearings</b> 43:19  <b>heart</b> 75:2  <b>help</b> 13:4 33:9  43:25  <b>herald</b> 78:19  79:16  <b>hereto</b> 91:15  92:11  <b>higher</b> 23:8  71:14  <b>highlighted</b>  79:17  <b>highly</b> 57:4</p>
<b>g</b>		<b>h</b>	
<p><b>g</b> 5:1  <b>gather</b> 59:23  <b>general</b> 11:25  73:13,16  <b>genuine</b> 47:12  <b>geography</b>  41:12  <b>give</b> 9:1 21:20  23:11 27:3  65:19</p>		<p><b>h</b> 4:5  <b>half</b> 23:18  <b>hall</b> 1:20 5:11  69:25  <b>hamilton</b> 85:17  85:21,25  <b>hand</b> 6:19  36:13,13  <b>handed</b> 79:15  <b>handy</b> 29:15,16  29:17  <b>happen</b> 7:18  34:21 46:7</p>	

<p><b>highway</b> 44:5,6 78:6 87:12</p> <p><b>hire</b> 27:9 60:18 61:8 63:10 65:20 66:3,3,8 66:9,11,14 68:4,5</p> <p><b>hired</b> 28:5 61:2 61:12,14 63:3 70:7</p> <p><b>hiring</b> 67:10,12 69:7</p> <p><b>history</b> 62:11</p> <p><b>hmm</b> 7:16 79:19 80:16</p> <p><b>hold</b> 13:11</p> <p><b>homes</b> 30:24</p> <p><b>honestly</b> 69:13</p> <p><b>hook</b> 27:1 28:2 28:2 33:18</p> <p><b>hope</b> 8:2 12:23</p> <p><b>hour</b> 50:3</p> <p><b>houses</b> 12:2</p> <p><b>housing</b> 34:3,4</p> <p><b>huh</b> 7:19,19</p> <p><b>hundreds</b> 12:16</p> <p><b>hypothetically</b> 15:2</p>	<p><b>identified</b> 15:16 27:20 29:23</p> <p><b>identify</b> 6:3 20:18 52:19 57:14 82:17</p> <p><b>identifying</b> 45:4</p> <p><b>imagine</b> 88:15</p> <p><b>immediate</b> 18:23,24</p> <p><b>impact</b> 12:7 19:17 24:6 57:17 60:6 67:5</p> <p><b>impacted</b> 12:1 22:15 24:4</p> <p><b>important</b> 13:23 73:2,3,5 73:6,8</p> <p><b>imposing</b> 51:24</p> <p><b>impression</b> 38:12 81:24</p> <p><b>improve</b> 57:23 62:14</p> <p><b>improvement</b> 28:13 31:14,21</p> <p><b>improvements</b> 28:14 36:3,5 36:15 52:14</p> <p><b>included</b> 93:14</p> <p><b>includes</b> 28:14 63:7</p> <p><b>including</b> 57:15 79:23</p>	<p><b>inclusive</b> 13:25</p> <p><b>incorporate</b> 46:21</p> <p><b>incorporated</b> 42:16 86:6 95:12</p> <p><b>increase</b> 23:17 24:6 62:10</p> <p><b>increased</b> 24:10</p> <p><b>increases</b> 23:2 23:14 70:19 71:5,22</p> <p><b>incur</b> 21:12</p> <p><b>incurred</b> 21:4 73:18 83:24,25 84:2,4</p> <p><b>indiana</b> 1:1,6 1:13 2:3,13 3:3 5:8,10,12,14 7:9 8:13 10:14 68:13,22 74:15 91:19 93:7 94:3 95:3</p> <p><b>indianapolis</b> 2:17 3:7</p> <p><b>indicating</b> 93:14</p> <p><b>individual</b> 15:2 16:12 23:13 51:13</p> <p><b>individual's</b> 15:1</p> <p><b>individuals</b> 15:3 18:8 49:3</p>	<p><b>inflow</b> 19:9 61:6</p> <p><b>information</b> 11:4,12 23:23 35:11 40:23 50:21 55:2,14 68:10</p> <p><b>infrastructure</b> 40:16 41:12 42:2,3,6</p> <p><b>inherit</b> 39:1</p> <p><b>inherited</b> 38:24</p> <p><b>injured</b> 7:25</p> <p><b>injury</b> 56:7</p> <p><b>inquired</b> 52:11</p> <p><b>insignificant</b> 18:23 19:12</p> <p><b>install</b> 26:5 27:20 47:4,6 49:14 50:23 52:16</p> <p><b>installation</b> 46:18 47:18 48:17 49:18</p> <p><b>installed</b> 42:6 47:23 51:6</p> <p><b>installing</b> 25:22</p> <p><b>instance</b> 12:8 28:3 47:16</p> <p><b>instruct</b> 81:10</p> <p><b>instructed</b> 4:9</p> <p><b>intend</b> 10:23</p> <p><b>intended</b> 5:20 13:6 32:11,13 53:17 84:10</p>
<b>i</b>			
<p><b>idea</b> 12:16 23:11 71:11,13 72:5,7 73:17</p> <p><b>identification.0</b> 10:8</p>			

<p>86:12 87:18  <b>intent</b> 54:15  <b>intention</b> 22:7  45:24 54:8,22  <b>intentional</b>  10:21,24  <b>interested</b>  91:15 92:12  <b>interests</b> 14:8  14:10,20 15:7  16:8,11 17:9  18:1,3,8  <b>internal</b> 79:22  <b>interrupting</b>  59:6  <b>invested</b> 73:4,9  76:12 82:23  <b>involuntarily</b>  9:10,15 10:13  12:21 13:9  18:20 19:10,18  20:3 21:5,23  22:16 23:3  24:12,21 26:20  38:3,14 47:24  48:16 50:24  61:19 80:7  <b>involuntary</b>  8:21 14:2 17:7  18:13 25:7  27:21 28:11  29:25 32:20  33:7 36:19  37:11 46:18  49:14 52:1</p>	<p>63:22 65:7,15  67:3 70:19  73:11 81:5,18  82:18  <b>involved</b> 44:7,8  71:20 78:14  <b>ish</b> 56:11,23  57:6,19 58:2,4  59:9 60:14  <b>islam</b> 92:2,15  <b>issue</b> 8:19  18:12 33:9  43:16,18 75:2  <b>issues</b> 74:22  <b>item</b> 73:1</p> <hr/> <p style="text-align: center;"><b>j</b></p> <hr/> <p><b>j</b> 2:5  <b>january</b> 8:7,10  56:16 79:21  <b>jessica</b> 72:23  <b>job</b> 1:24 13:2  32:23 33:13  57:3,4 70:13  <b>john</b> 85:17,21  85:25  <b>judge</b> 65:14  <b>jurisdiction</b>  39:18 40:5  87:23,24</p> <hr/> <p style="text-align: center;"><b>k</b></p> <hr/> <p><b>keep</b> 40:15 43:8  65:20  <b>keeping</b> 40:23  42:2</p>	<p><b>kerry</b> 1:17 5:6  6:15,21 7:5  93:9 94:4,9  95:4,13 96:20  <b>kind</b> 19:21  46:11 47:5  55:14  <b>kinds</b> 26:13  58:17  <b>know</b> 7:10,14  7:20 8:2,5,10  8:20,22 10:24  11:2,5,8,22  12:9,14,14  13:18,22 14:5  14:10,22,25  15:1 16:25  17:11,15 18:3  18:7,11,16  19:13,15 20:1  21:11,11,12  22:5,9,10,21,23  22:24,25 23:13  23:14,16,19  24:1,14,17  25:14 27:4,22  28:22,25 29:1  31:21,25 32:3  32:8 34:21  35:4,11,15,16  35:21,21,22  36:5,9 39:22  40:3,4 41:2,3  41:11 43:21,22  44:3,4 45:6,15</p>	<p>46:7,11 47:12  48:11 49:1,7,8  50:17 51:22  52:24 53:3,10  54:24 55:1,11  55:12,16,21  56:10 57:9,24  58:18 60:3,5,7  60:11,12,16,20  60:21,24,25  61:11 62:2,3  62:20 64:9  67:12,14,14,25  68:2,3,3 69:4,9  69:12,14 70:2  70:6,8,23 71:4  71:21 72:1,4,6  72:9,13 75:14  76:15,18,19,20  77:8,10,13  80:5 82:22,25  83:21 84:25  85:24 86:1,6,8  86:22 87:2,16  88:14  <b>knowing</b> 14:1  73:6,7  <b>knowledge</b>  52:9,10,21  61:25 65:5  91:10 92:6  <b>known</b> 11:4,5,7  11:12,14,15  23:25 24:1  72:17,17</p>
--	---	---	--

<b>knows</b> 14:8,15 14:20 17:9 18:1 63:2 69:14,19	<b>letter</b> 93:20 <b>levels</b> 34:4 <b>light</b> 62:11 <b>lights</b> 50:20,23 51:4,6,6,13 <b>likely</b> 39:23 51:12,21 72:20 75:12 <b>limits</b> 26:15 34:3 40:11 41:9 44:12 78:10,11 88:16 <b>line</b> 4:10 37:19 44:2 45:18 93:14 95:7 96:3 <b>list</b> 84:5 <b>listed</b> 83:20 95:7,17 <b>listen</b> 13:4 <b>listening</b> 62:17 <b>listing</b> 95:7 <b>litigation</b> 79:23 80:2,12 <b>little</b> 24:19 <b>live</b> 51:24 78:10 <b>lived</b> 78:11 <b>living</b> 83:1 84:6 86:17 <b>llp</b> 2:15 3:5 <b>load</b> 41:18 <b>located</b> 28:23 28:23 29:13,20 30:16	<b>location</b> 1:20 27:19 49:13 53:5 <b>locations</b> 52:22 87:9 <b>long</b> 17:18 18:24 43:7 60:17 70:1 87:17 <b>longer</b> 35:1 43:12 <b>longevity</b> 59:3 <b>look</b> 23:14 25:8 25:25 26:12 80:12 <b>looked</b> 58:10 <b>looking</b> 19:14 46:5 47:13 85:6 <b>lost</b> 61:14 <b>lot</b> 38:2 52:24 61:14,15 87:18	<b>mains</b> 25:17,22 26:5 40:19 <b>maintain</b> 40:4 40:18 <b>maintaining</b> 40:16 <b>maintenance</b> 41:12 43:1 <b>major</b> 30:8,23 34:1 53:6 <b>majority</b> 12:20 13:8 <b>make</b> 9:2 12:3 13:5 24:2 31:10 39:9 41:5,20 43:14 49:11 51:15 54:7 77:3 79:1 79:3,9,25 81:8 <b>making</b> 8:6 30:7 35:24 44:14 57:17 63:1 73:15 <b>mandate</b> 47:5 <b>manner</b> 5:23 9:21 <b>map</b> 4:7 10:9 <b>maps</b> 10:17 <b>march</b> 1:18 5:11 93:4 <b>margaret</b> 3:19 6:7 <b>margie</b> 3:11 6:9 79:24
<b>l</b>		<b>m</b>	
<b>lack</b> 39:20 61:20 71:8 <b>lake</b> 29:14 <b>landed</b> 60:13 <b>larry</b> 69:18 <b>lateral</b> 25:15 27:15 28:4 61:4,9 67:17 <b>laterals</b> 25:23 26:6,15 61:6 68:6 <b>law</b> 74:15 <b>lawbr.com</b> 2:9 <b>laws</b> 5:22 <b>lawsuit</b> 9:5 39:13,13,17 <b>lawyer</b> 82:4 <b>leading</b> 79:24 <b>leave</b> 56:7 <b>leaves</b> 19:23 <b>left</b> 6:4 88:19 <b>leg</b> 7:25 <b>legal</b> 14:12 15:22 16:22 17:3,5 22:19 93:1 96:1 <b>legislative</b> 74:4 74:16 <b>legitimate</b> 61:25	<b>m</b> 2:14 93:5 <b>madam</b> 93:10 <b>made</b> 12:13 29:23 33:5,15 33:15 34:23 36:8 39:2,12 58:7 60:7 64:11 68:22,24 69:5,6 73:17 89:11 94:7 <b>main</b> 25:14,15 41:19 43:21		

<b>margie.rice</b> 3:15	17:18,23 18:4 18:15 20:4,9	<b>meant</b> 7:20 77:2	<b>misquoted</b> 78:22
<b>marked</b> 10:6,7 10:10	21:24 22:18 27:11 33:10	<b>measures</b> 58:1 62:14	<b>mm</b> 7:16 79:19 80:16
<b>matter</b> 5:7 11:21	38:7,16 39:19 44:16 45:10	<b>mechanism</b> 48:13	<b>moment</b> 25:5 35:25 73:21
<b>matters</b> 11:24 79:23	47:25 49:21 50:2,6 52:2	<b>meet</b> 65:13	75:5 79:20 87:6 89:3
<b>mayor</b> 1:17 7:7 7:10 8:5,6,8,13 11:17,22 13:2 14:4,5 15:5 22:14,25 33:22 34:21 38:2 46:24 49:12 50:15 52:8 53:4,11 54:24 55:21 56:3,13 56:14,16,20 61:23 62:18 64:21 65:1,6 69:4 70:18 72:14 73:2 77:20 79:22 81:3 85:13 89:13 93:9 94:4,9 95:4,13 96:20	54:9 58:22 59:11,20 61:20 61:24 63:15 71:8 73:20 74:2,12 75:7 79:3,8 80:23 81:6,20,24 82:5,9,11 83:16 84:20,23 85:19,21 89:4 89:14,20,22,25 93:5	<b>meetings</b> 57:12	<b>money</b> 27:24 76:21,23 83:10 84:14
<b>mcclellan</b> 72:24	<b>mean</b> 11:20 13:18 16:22 18:10 23:11 25:11 33:13 44:24 53:24 69:5 73:11 77:16 85:2,18 85:23 87:12,15 88:7	<b>memorized</b> 21:15 55:15	<b>monroe</b> 1:2,3 1:12 2:13 3:3 5:10 10:14 77:21,24 78:2 78:5
<b>mckinney</b> 2:15 3:5	<b>meaning</b> 61:6	<b>mentioned</b> 64:2 73:10 75:17	<b>monthly</b> 42:12
<b>mcneil</b> 2:14 6:13,13 13:11 14:11,23 15:8 15:21 16:2	<b>meaningful</b> 62:23	<b>middle</b> 71:18	<b>months</b> 9:1 56:14 68:4 72:11
	<b>means</b> 5:24 34:5 85:23,25 86:1,2	<b>midwest</b> 68:25 93:17 96:1	<b>monument</b> 2:16 3:6
		<b>mile</b> 87:16	<b>moores</b> 88:3,4
		<b>miles</b> 42:3,15 42:17	<b>morton</b> 1:21 3:13 5:12 7:9
		<b>military</b> 56:7	<b>motives</b> 74:17
		<b>millions</b> 20:25 21:21 22:8,11 24:18	<b>mouth</b> 15:20
		<b>mind</b> 21:3 49:13 79:20	<b>move</b> 49:12
		<b>mine</b> 28:4	<b>moved</b> 86:8
		<b>minus</b> 19:23	<b>moving</b> 61:15 87:23
		<b>minute</b> 50:7,16	<b>myriad</b> 85:4
		<b>minutes</b> 50:4	
		<b>mischaracteri...</b> 26:1	
		<b>mischaracteri...</b> 13:12 15:9 44:17 83:17	
		<b>misquote</b> 15:20	

<b>n</b>	<b>neighborhood</b> 47:17	<b>november</b> 76:6	81:6 83:16
<b>n</b> 2:1 3:1 4:1	<b>neighborhoods</b> 49:3 51:16,17	<b>number</b> 11:17	84:20 85:19
5:1 61:13	51:18	11:18,22,22	<b>observed</b> 57:12
<b>name</b> 5:2 7:3	<b>neither</b> 91:11	12:1,5,10	<b>obstructed</b>
30:13,15 43:6	92:7	20:16 21:20	64:23
69:21,22,24	<b>net</b> 18:19 19:23	22:8 24:9,10	<b>obviously</b>
93:6 94:3,4,15	19:24	24:16 56:12,15	82:23
95:3,4,21	<b>netting</b> 19:4,6	58:15 59:24	<b>occasion</b> 8:25
<b>named</b> 70:4	<b>never</b> 11:5,7,13	60:13 61:3,13	<b>occupation</b> 7:6
<b>nature</b> 9:18	11:15 23:25	61:15 62:10,12	<b>offended</b> 7:22
<b>nauseam</b> 56:20	24:1 61:2	62:13,24 64:7	<b>office</b> 34:17
<b>necessarily</b>	72:17	69:9,10 73:1,6	41:1,3 58:9
16:11 47:24	<b>new</b> 28:4 40:22	73:7 76:9,13	76:9 77:5
60:10	47:3 53:6	76:16 77:4	84:17
<b>need</b> 7:13 8:1	67:18 68:6	82:23 93:8,14	<b>officer</b> 65:9
15:1 17:1	69:7 85:7	<b>numbers</b> 24:18	67:13,22,23
23:13 27:14	<b>newly</b> 37:13	57:10 58:10,17	68:15 70:16
31:12,13,13	<b>news</b> 75:10,17	72:16 95:7	91:1,2
34:4 35:23	<b>nod</b> 7:19	<b>o</b>	<b>officers</b> 55:24
36:4,6 50:16	<b>non</b> 9:18 41:22	<b>o</b> 5:1	57:7,14,16,19
51:15 55:2	42:19,21 43:8	<b>oaths</b> 5:14	59:2,25 60:18
57:14,14 59:3	45:2	<b>object</b> 14:11	61:3,17 62:10
61:18 63:9,10	<b>north</b> 1:21 3:13	15:8 22:18	63:9,10,18,21
63:18,21 67:19	5:11 7:9 87:10	<b>objection</b> 5:15	64:22 65:2,20
67:21 74:2	<b>notarized</b>	6:17 13:11	66:4,8,9,11
79:5,7,9 82:12	93:15	14:23 15:21	68:6,8,12,19
89:20,23	<b>notary</b> 5:13	16:2 18:4,15	69:8 70:10
<b>needed</b> 11:25	91:18 93:25	20:4 21:24	74:5
25:16 36:2	94:10,18 95:15	27:11 33:10	<b>official</b> 30:14
53:12,15 55:15	95:23 96:23	38:16 39:19	94:15 95:21
<b>needs</b> 14:6 15:1	<b>note</b> 93:13	44:16 45:10	<b>officially</b> 8:10
53:19 67:18	<b>novak</b> 64:13,24	47:25 49:21	<b>oh</b> 44:13 45:17
86:19	65:4	58:22 59:11	64:7 70:2
<b>negative</b> 67:5		61:20 62:1	<b>ohio</b> 93:2
		71:8 80:23	



<p><b>okay</b> 7:15 8:12 14:19 19:7,21 20:1 21:2,11 21:19 22:10 28:7,16 29:13 30:19 31:16 41:5 44:22 45:1 48:23 49:9 55:5 57:18 59:23 64:1,6 66:24 70:13 71:4 76:5,16 77:2 81:16,20 89:17 89:23 90:1 <b>old</b> 88:12 <b>omit</b> 84:25 <b>omitted</b> 84:21 <b>ons</b> 27:1,1 <b>opinion</b> 17:5 58:4 82:17 <b>opportunity</b> 28:1 <b>oppose</b> 12:21 13:8 <b>opposed</b> 13:19 <b>order</b> 14:25 <b>ordered</b> 79:22 <b>ordering</b> 89:18 <b>orders</b> 89:17 <b>ordinarily</b> 41:13 <b>original</b> 17:8 19:11 24:3</p>	<p><b>outcome</b> 91:16 92:12 <b>outflow</b> 61:7,8 <b>outside</b> 39:18 40:5,11 41:9 41:13 43:4 44:12 74:14 81:17 <b>overall</b> 16:11 <b>own</b> 18:3 23:1 24:3 37:1,12 37:12,16 47:1 67:24 <b>owner</b> 27:25 36:18,20 48:9 48:15 51:8,14 71:14 <b>owner's</b> 26:18 42:8 <b>owners</b> 10:25 12:10,20,24 13:8 14:9,20 14:22 15:7 16:20 17:10,11 18:1,3 24:11 24:23,24 32:17 34:8 37:14 38:11 45:22 51:18 66:15,25 70:19 71:5 <b>owns</b> 26:19 47:22</p>	<p><b>p</b> <b>p</b> 2:1,1 3:1,1 5:1 <b>p.m.</b> 1:19 5:5 50:10,13 73:23 74:1,11 89:7 89:10 90:2,4 <b>pace</b> 31:20 <b>page</b> 4:2,6,10 77:3 79:17 93:14,16 95:7 96:3 <b>paid</b> 28:5 52:16 71:24 72:3,10 72:13 <b>parameters</b> 12:17 <b>parks</b> 78:3 <b>part</b> 7:25 16:5 16:14 29:10 32:13 36:18 42:17 46:5 47:17 53:20 61:5 80:22 83:2 84:7 86:4 86:14,24 89:12 95:9 <b>partially</b> 69:19 <b>parties</b> 5:16 27:25 71:20 91:12,14 92:8 92:11 <b>pass</b> 71:14,21 <b>passed</b> 71:6</p>	<p><b>past</b> 8:25 32:12 58:8 <b>pay</b> 24:11,19 24:25 27:9,16 27:25 28:5 36:22 37:6,16 40:14 46:25 48:16 <b>paying</b> 23:6 40:12 51:18,21 <b>payments</b> 41:22 <b>pays</b> 37:1 48:9 <b>people</b> 12:6,16 13:19 23:16 34:5 51:24 <b>percentage</b> 23:12,16 46:12 <b>performing</b> 35:20,21 <b>period</b> 24:14 35:1,2 67:23 <b>periods</b> 67:25 68:2 <b>permits</b> 86:11 <b>permitted</b> 5:20 <b>person</b> 26:19 27:8 43:5,6 47:22 51:4 69:24 78:15 86:19 87:22 88:19 <b>person's</b> 37:12 <b>personal</b> 61:25</p>
---	--	--	---

<p><b>personally</b> 94:11 95:15</p> <p><b>perspective</b> 11:16</p> <p><b>petitioner</b> 2:2</p> <p><b>petitioners</b> 1:9 6:6</p> <p><b>phone</b> 34:18 93:3</p> <p><b>phrase</b> 53:22 85:14,18 87:1</p> <p><b>physical</b> 68:15</p> <p><b>physically</b> 29:21</p> <p><b>picture</b> 54:16</p> <p><b>piece</b> 40:22 86:14</p> <p><b>pike</b> 88:4</p> <p><b>pikes</b> 88:3</p> <p><b>pl</b> 1:11</p> <p><b>place</b> 48:24 83:7</p> <p><b>places</b> 86:7</p> <p><b>plan</b> 20:20 21:7 21:14 25:5,8 28:13 31:14 37:21 46:17,22 54:15,20 55:4 55:5,6 57:22 60:10 62:3,9 65:11,13,19 66:2,19 69:5,6 79:1 83:6 84:16</p>	<p><b>planning</b> 44:7 86:10,11,14,15 86:19</p> <p><b>plans</b> 28:10 29:5,24 32:22 34:12,14 37:9 37:13 46:4 50:22,25 51:15 53:10 55:17 66:3</p> <p><b>plant</b> 28:15 29:12 36:4</p> <p><b>play</b> 61:4</p> <p><b>please</b> 6:3,19 7:3,6,14,22 8:2 8:6,9 13:17 15:15 16:18 17:14,17,19 18:25 25:5,11 33:3 38:8 42:24 43:25 53:24 62:16 69:21 75:3,5 75:18 88:11 89:3,19 93:12 93:12</p> <p><b>plenty</b> 33:22 52:25 55:12</p> <p><b>point</b> 11:13 12:13,23 23:7 23:20,24 24:8 31:14 72:19</p> <p><b>points</b> 62:22</p> <p><b>police</b> 12:2 55:25 57:4</p>	<p>60:18 61:3 62:14,19,22 63:2,9,10,18,21 64:22 65:2,9 65:23 66:4,7 66:16 67:2,12 68:12,18,19 69:7 77:23</p> <p><b>policies</b> 37:14</p> <p><b>policing</b> 57:15 57:25</p> <p><b>policy</b> 25:19 26:5,6 38:21 38:24 39:3</p> <p><b>poole</b> 28:22,23</p> <p><b>portion</b> 64:17</p> <p><b>portions</b> 46:12</p> <p><b>position</b> 32:21 70:4</p> <p><b>possible</b> 66:13</p> <p><b>potential</b> 32:7 43:3 45:15 74:3</p> <p><b>precise</b> 75:11</p> <p><b>precursor</b> 35:18</p> <p><b>predecessor</b> 38:25</p> <p><b>predecessor's</b> 87:3</p> <p><b>predetermined</b> 29:22</p> <p><b>prepared</b> 47:22 55:6 92:3</p>	<p><b>prescheduled</b> 37:21</p> <p><b>present</b> 3:18 6:14 27:18</p> <p><b>presented</b> 24:8 26:11 35:11 45:25</p> <p><b>preside</b> 9:24</p> <p><b>pretty</b> 57:21 58:3 63:1</p> <p><b>prevails</b> 39:16</p> <p><b>principles</b> 17:1</p> <p><b>prior</b> 70:3,5,6 91:5</p> <p><b>priority</b> 32:23 33:1,19 39:11</p> <p><b>private</b> 76:23 76:25</p> <p><b>privately</b> 27:9</p> <p><b>privilege</b> 74:4 74:15,22 75:1 75:2</p> <p><b>probably</b> 7:20 17:21 35:10 42:2 69:13</p> <p><b>problem</b> 61:6 61:10,11</p> <p><b>problems</b> 78:15</p> <p><b>procedural</b> 5:21</p> <p><b>procedure</b> 94:5 95:5</p> <p><b>proceed</b> 6:25</p> <p><b>proceeded</b> 80:6</p>
--	--	---	--

<b>proceeding</b> 5:4 5:19 90:5 92:4	70:24,25 84:8	36:16 41:8,11	<b>question</b> 7:12 7:13 15:3 16:3 17:8,13,19 19:11 21:1 22:5,6,11 23:21 24:3,19 26:11 27:5 33:4 34:19 35:9,16 36:9 38:7 39:6 54:10 59:18 63:15,16 66:23 66:23 74:19,21 74:23,25 80:7 81:3,16,23 82:16
<b>proceedings</b> 91:3,5,6,9 92:6	<b>property</b> 10:25 12:10,20,24 13:8 23:1,2 24:4,5,11,22 26:18,19 27:25 32:17 36:18,20 37:10,14 40:5 42:8 47:22 48:9,15,17 51:8,14 66:16 67:1 70:18 71:5,13 86:20	<b>proximate</b> 53:25 54:3 <b>prudent</b> 71:19 <b>public</b> 9:1,2 41:1 56:19 57:2,11,12,17 58:1,7 63:4,6 70:10,16 72:19 75:9,17 76:23 76:24 77:1,2 91:18 94:10,18 95:15,23 96:23	<b>questioning</b> 37:19 <b>questions</b> 4:9 7:11,17 9:3 33:11 34:17 36:11,12 89:12 89:14 <b>quite</b> 32:6 75:14 77:13,17 77:19 <b>quote</b> 77:13 <b>quoted</b> 78:19
<b>process</b> 43:23 44:1,3,11,13,24 45:3,3 49:2,10 67:12 74:17	<b>proposal</b> 30:23 31:24	<b>publication</b> 75:18	<b>r</b>
<b>processing</b> 32:6	<b>proposed</b> 4:7 30:9,12 43:4 45:6 65:19	<b>publicly</b> 9:3 62:25 82:21	<b>r</b> 2:1 3:1 5:1
<b>produced</b> 5:18	<b>protection</b> 66:17	<b>published</b> 48:24 75:23	<b>raise</b> 6:19
<b>production</b> 93:16,17,22	<b>proven</b> 17:1	<b>pulled</b> 77:4	<b>rate</b> 41:10 42:12
<b>profit</b> 1:7 2:4 5:8	<b>provide</b> 12:7 13:3 21:8 38:13,18 49:4 52:24 65:12 66:21 67:8 78:16	<b>pursue</b> 73:16 80:13 83:14,19 83:22 85:4	<b>reaching</b> 71:19
<b>program</b> 47:16 47:18 48:9,12 48:12,22,24 49:7	<b>provided</b> 26:15 86:2	<b>pursuing</b> 73:8 73:11,13 81:5 82:17 83:4	
<b>project</b> 25:25 31:5 35:7 45:7 45:9 51:1,1 53:4	<b>provides</b> 77:25	<b>put</b> 15:19 25:17 26:14 27:15 41:19 83:7	
<b>projects</b> 45:19 52:9	<b>providing</b> 13:25 53:16 57:5,11	<b>putting</b> 47:10	
<b>promising</b> 26:14	<b>provision</b> 11:25 25:10,12 26:12	<b>q</b>	
<b>prompted</b> 16:3 30:22 31:24		<b>qualified</b> 91:7	
<b>promy</b> 92:2,15		<b>quantified</b> 35:5	
<b>pronschinske</b> 1:23 5:3 91:2 91:17		<b>quantify</b> 75:12	
<b>properties</b> 16:12 33:16,17 33:18 49:18			

<p><b>read</b> 38:7 64:15 72:19 74:20 75:3,9,20 76:9 76:13,16 80:25 94:5,6,12 95:5 95:6,17</p> <p><b>reading</b> 79:20 93:20</p> <p><b>realization</b> 43:12,12</p> <p><b>realize</b> 43:5</p> <p><b>really</b> 39:9 54:12 57:13,17 86:4,13</p> <p><b>reason</b> 7:13 64:25 71:4 83:14,19 93:15 95:8 96:3</p> <p><b>reasons</b> 83:21 85:4,10</p> <p><b>recall</b> 20:17 64:7,18,20 75:24 76:7</p> <p><b>receipt</b> 93:19</p> <p><b>receiving</b> 34:18 41:22</p> <p><b>recognize</b> 10:9 64:12</p> <p><b>recommendat...</b> 69:7</p> <p><b>recommendat...</b> 64:23 65:4 79:25 81:8</p> <p><b>recommended</b> 69:10</p>	<p><b>record</b> 5:4,5,16 6:3 7:4,23 8:6 44:17 50:9,11 50:13 73:20,22 73:24,25 74:3 74:6,8,9,11,14 75:6 84:21 89:7,8,9 90:2 91:9 92:5 95:9</p> <p><b>recorded</b> 5:23 91:6</p> <p><b>recording</b> 5:18 91:8 92:4</p> <p><b>recruit</b> 59:2 60:2,4 67:18 67:19 70:9</p> <p><b>recruiter</b> 63:3 64:2 68:9 69:19</p> <p><b>recruiter's</b> 69:21</p> <p><b>recruiting</b> 70:12</p> <p><b>recruitment</b> 57:22</p> <p><b>recruits</b> 63:5</p> <p><b>reduced</b> 91:7</p> <p><b>reedy</b> 55:7</p> <p><b>reference</b> 39:12 64:11 69:5,6 80:8,14 93:8 94:2 95:2</p> <p><b>referenced</b> 68:1 94:11 95:15</p>	<p><b>referring</b> 8:23 55:9</p> <p><b>reflect</b> 10:12</p> <p><b>refuse</b> 81:13</p> <p><b>regard</b> 8:19 21:3 37:20 51:3</p> <p><b>regarding</b> 89:17</p> <p><b>regular</b> 32:4</p> <p><b>rejected</b> 64:23</p> <p><b>related</b> 30:10 91:11 92:7</p> <p><b>relative</b> 91:13 92:10</p> <p><b>relatively</b> 18:22 19:24 56:12,15</p> <p><b>relied</b> 20:19</p> <p><b>relying</b> 78:12</p> <p><b>remember</b> 21:20 23:24 43:2,6</p> <p><b>reminds</b> 32:15</p> <p><b>remonstrance</b> 13:1</p> <p><b>remonstrate</b> 32:10</p> <p><b>remonstrator</b> 2:2</p> <p><b>remonstrators</b> 1:8</p> <p><b>reopen</b> 39:17</p> <p><b>repair</b> 47:18</p> <p><b>repairs</b> 42:20 43:1,9 44:14</p>	<p><b>repeat</b> 7:13</p> <p><b>repeated</b> 75:6</p> <p><b>replacement</b> 37:17</p> <p><b>replacements</b> 42:20 43:9 44:14</p> <p><b>report</b> 58:20 64:11,12,13,15 64:17,24 65:4</p> <p><b>reported</b> 1:23</p> <p><b>reporter</b> 5:2,3 6:16,25 50:9 50:12 73:22,25 74:7,10,19 75:5 89:6,9,17 89:20,23 90:1 94:7</p> <p><b>represent</b> 10:18</p> <p><b>representation</b> 58:11</p> <p><b>representative</b> 3:20</p> <p><b>request</b> 26:11 36:7 95:9,11</p> <p><b>requested</b> 91:21</p> <p><b>require</b> 15:17</p> <p><b>required</b> 16:20 47:3,4 93:25</p> <p><b>researched</b> 52:12,18</p> <p><b>reserved</b> 90:3</p>
--	---	---	---

<b>reside</b> 9:13 <b>residences</b> 31:20 86:9 <b>residential</b> 27:1 70:24 <b>residents</b> 1:5 2:3 3:19 5:7 6:8 9:22 11:18 11:23 12:1,6 14:3,8,9,21,21 15:7 16:8,12 16:15,21 17:10 17:11 18:2,2 22:15,25 24:3 24:24 26:24 31:1,19 32:8 33:2 37:15 38:11 40:8 42:19,21 43:8 45:2,22 47:6 47:13,14 54:25 66:15,25 67:6 81:19 84:6 85:7 93:6 94:3 95:3 <b>resource</b> 57:16 <b>resources</b> 66:21 82:24 <b>respect</b> 46:17 64:1,2 65:3 68:25 74:25 <b>respond</b> 13:13 <b>respondent</b> 2:12 3:2	<b>respondents</b> 1:14 <b>responsible</b> 9:17 <b>responsive</b> 13:25 30:4 <b>rest</b> 40:21 <b>result</b> 18:19 <b>retain</b> 62:12 <b>retention</b> 57:22 62:14 <b>returned</b> 93:19 <b>revenue</b> 18:19 18:22 19:2,3,8 19:13,23 20:2 20:22 21:22 24:20 <b>reversed</b> 62:20 <b>review</b> 79:24 89:15 91:21 93:13 94:1 95:1 <b>reviewed</b> 20:12 20:19 21:7,14 55:17 <b>reviews</b> 79:22 <b>rice</b> 3:11 6:9,9 79:24 80:21 82:20 89:24 <b>riding</b> 67:22 <b>right</b> 6:19 21:10 25:23 29:4 31:2,19 32:1 36:4,22 38:6,14 41:24	42:8,9 44:10 46:2 48:6,7 51:19 57:21 58:6 59:15 60:1 62:4 63:9 63:23 66:5 71:23 72:22 74:7,12 77:15 85:12,14,14 86:25 89:6 90:1 <b>road</b> 28:20 29:15 30:18 43:22 85:6 88:13 <b>robertson</b> 2:6 <b>rolled</b> 62:25 <b>rollout</b> 65:12 <b>room</b> 1:21 5:12 32:16 69:25 74:14 <b>roughly</b> 9:1 60:21 <b>rule</b> 70:14 <b>rules</b> 5:22 94:5 95:5 <b>running</b> 68:8	<b>saying</b> 23:8 30:5 33:8 41:6 42:18 54:13 87:21 <b>says</b> 51:5 58:20 62:19 80:24 88:9,25 <b>scale</b> 10:16 <b>scenario</b> 42:12 48:8,14 <b>schedule</b> 28:19 29:3,6,7,22 <b>seal</b> 94:15 95:21 <b>seat</b> 11:16 <b>section</b> 79:17 80:3 <b>see</b> 43:19 44:13 61:14 69:25 79:8,17 80:15 <b>seem</b> 61:4 <b>seen</b> 58:20 76:14 88:12 <b>sense</b> 27:3 43:11,13 <b>separate</b> 82:19 <b>serve</b> 32:23 33:14 34:14 45:8 <b>served</b> 31:11 40:12 46:13 <b>serves</b> 29:21 42:20 <b>service</b> 9:22 11:25 25:4
		s	
		s 2:1 3:1 4:5 5:1 93:16 95:8,8 96:3 <b>safety</b> 57:2,11 57:17 58:1 63:4,6 70:10 70:16	

<p>27:20 30:20 32:19 34:9 36:12,13,21 39:8 40:4 45:23 46:8,13 56:6 57:5 67:21 <b>services</b> 9:18 12:8 13:3 21:9 25:6 26:13 37:23 41:8,23 52:22,25 65:12 77:24 78:16 <b>servicing</b> 31:5,7 31:8 32:13 33:2 85:8 <b>sessions</b> 62:17 <b>setting</b> 27:1 <b>settings</b> 56:20 <b>seven</b> 34:23 <b>several</b> 21:25 30:24 40:7 83:7,21 86:15 <b>sewage</b> 36:16 <b>sewer</b> 9:22 25:4 25:6,10,12,17 26:5,6,16,21 27:20 28:10 29:25 30:20,21 31:4 32:19 33:6 34:9,22 36:13,19 37:7 37:11,18,20,24 37:25 38:5,13 39:17 40:14</p>	<p>41:8,16,18 43:3 45:23 46:4,8,13,25 51:3 52:25 53:17 <b>shadowing</b> 67:22 <b>shake</b> 7:19 <b>sheet</b> 93:14 95:7,10,18 96:1 <b>sheriff's</b> 77:21 77:24 <b>shift</b> 37:18 <b>shifts</b> 57:15 <b>short</b> 56:2 89:5 <b>shortage</b> 64:3 <b>shorter</b> 35:1 <b>showers</b> 62:21 <b>shown</b> 93:16 <b>sickness</b> 56:7 <b>side</b> 30:9 34:2 88:2 <b>sidewalk</b> 46:21 47:6,9,15,17,23 48:8,9,11,12,17 48:22,23 49:7 <b>sidewalks</b> 46:16,18 47:1 47:4,10,15,19 49:14,18 50:3 50:19 51:2 <b>sign</b> 48:5 87:21 87:22 88:9 89:15</p>	<p><b>signature</b> 90:3 91:16 92:14 93:15 <b>signed</b> 13:1 32:9 94:13 95:18 <b>significance</b> 19:16 73:9 <b>significant</b> 11:19 12:19 13:7,19 14:1 18:14,16,17 19:18 32:6 36:5 40:3,10 41:18 44:11,11 57:17 61:5 62:19,21 75:15 77:13,17,19 <b>significantly</b> 56:4 <b>signing</b> 93:20 <b>signs</b> 87:25 88:19 <b>similar</b> 50:21 51:2 81:16 86:3 87:22 <b>sincerely</b> 93:21 <b>sir</b> 93:10 <b>sit</b> 31:3 42:18 46:9,13 47:21 49:11,12 55:25 <b>sitting</b> 80:5 <b>situations</b> 31:17</p>	<p><b>six</b> 32:16 56:1 68:4 <b>size</b> 68:11,15 68:18,19 85:14 <b>sizing</b> 85:14 86:25 <b>skills</b> 91:10 92:6 <b>slightly</b> 22:6 <b>small</b> 10:16 <b>solutions</b> 93:1 96:1 <b>somebody</b> 43:22 80:9 <b>someplace</b> 87:12 <b>soon</b> 41:18 <b>sorry</b> 37:1,5,22 59:5 68:14 <b>sort</b> 78:20 85:4 <b>sound</b> 68:16 <b>sounded</b> 22:7 <b>sounds</b> 51:17 68:14 77:15 <b>source</b> 42:23 48:21 <b>south</b> 2:7 30:9 30:16 34:2 88:2,3,12,14 <b>sparse</b> 87:11 <b>speak</b> 8:16 9:7 68:8 <b>specific</b> 12:5 18:17 35:15 49:13 50:25</p>
---	--	--	---

<p><b>specifically</b> 24:18 30:11 35:3 77:10 82:3</p> <p><b>specifics</b> 11:7</p> <p><b>speculation</b> 27:12 39:20 71:9</p> <p><b>spent</b> 60:8 72:20 75:11 83:11</p> <p><b>square</b> 75:19 76:10,13,17</p> <p><b>staff</b> 55:12 65:9 75:13 77:8 82:24 83:23,24</p> <p><b>staffed</b> 64:8</p> <p><b>started</b> 62:17 86:9</p> <p><b>state</b> 1:1 7:3 17:19 68:13 82:12 88:12 91:19 94:10 95:15</p> <p><b>stated</b> 45:13 67:11 75:9 82:21</p> <p><b>statement</b> 94:13,14 95:19 95:19</p> <p><b>statements</b> 9:2 9:2 58:7</p> <p><b>states</b> 80:11 81:7</p>	<p><b>stations</b> 12:2</p> <p><b>status</b> 67:21</p> <p><b>statute</b> 14:12 15:9 22:19</p> <p><b>stenographic</b> 5:24</p> <p><b>step</b> 62:20</p> <p><b>stephe</b> 6:11</p> <p><b>stephen</b> 3:4</p> <p><b>steve</b> 69:22,23 69:25 70:1</p> <p><b>stipulation</b> 5:25</p> <p><b>street</b> 1:21 3:13 5:12 44:7 50:20,23 51:4 51:6,6,13 88:13</p> <p><b>streets</b> 51:25</p> <p><b>stretch</b> 65:8</p> <p><b>stretched</b> 65:24 66:17 67:2</p> <p><b>strike</b> 38:10</p> <p><b>structure</b> 57:15</p> <p><b>study</b> 30:2,3,6 30:10,19,22 31:4,6,10,24 35:16,20,22,23 36:2,5 41:11</p> <p><b>stuff</b> 44:9</p> <p><b>subdivided</b> 55:22</p> <p><b>subject</b> 9:4</p> <p><b>subscribed</b> 94:10 95:14</p>	<p>96:21</p> <p><b>successful</b> 61:1</p> <p><b>succinctly</b> 17:19</p> <p><b>sudbury</b> 30:18 31:5,10,15,18 31:24 35:7,12 35:18 45:7,15 45:18,19 46:1</p> <p><b>sudden</b> 43:11</p> <p><b>suggest</b> 65:18</p> <p><b>suggestion</b> 33:4</p> <p><b>suite</b> 93:2</p> <p><b>sum</b> 24:6</p> <p><b>summit</b> 30:14 30:15</p> <p><b>sunger</b> 3:8</p> <p><b>superior</b> 93:1</p> <p><b>support</b> 62:22</p> <p><b>sure</b> 11:20 12:4 12:5 13:6 18:18 24:2 30:4 31:10,11 39:9 41:5,20 42:17 43:14 47:14 49:11 50:8 54:4,7 57:24 58:20 60:9 63:1 77:3 82:13 88:16</p> <p><b>swear</b> 6:17</p> <p><b>switching</b> 50:2</p> <p><b>sworn</b> 5:16 6:22 55:24 57:19 59:1</p>	<p>65:9 68:12,19 91:5 94:10,13 95:14,18 96:21</p> <p><b>system</b> 26:21</p> <hr/> <p><b>t</b></p> <hr/> <p><b>t</b> 4:5</p> <p><b>table</b> 32:16</p> <p><b>take</b> 5:4,13 8:1 12:15 19:13,21 22:10 31:9 37:9 46:20 49:17 50:17 51:1,9 59:25 63:6 65:23 66:2 70:10 83:10 89:5</p> <p><b>taken</b> 5:7 35:16 50:15 91:3,12 92:9</p> <p><b>talk</b> 8:20,20 19:15 44:6 47:20 56:22 57:10,13</p> <p><b>talked</b> 35:25 36:1,19 37:7 48:18 70:23 71:16</p> <p><b>talking</b> 19:3,3 28:17 36:3 42:6 47:13 50:18 55:6 57:9 62:24</p> <p><b>tallied</b> 77:10</p> <p><b>tangible</b> 62:23</p>
--	--	--	---

<p><b>tap</b> 26:16,21 27:1</p> <p><b>tapp</b> 30:18</p> <p><b>tapping</b> 34:5</p> <p><b>tax</b> 23:2 24:5 70:19 71:4,14</p> <p><b>taxes</b> 23:6 24:11,22</p> <p><b>taxpayers</b> 79:25 80:8,15 81:4 82:18 83:4</p> <p><b>team</b> 74:13</p> <p><b>technically</b> 29:17</p> <p><b>tell</b> 6:23 27:6 41:15 43:6 75:20 84:25 86:6 87:7,8 88:19</p> <p><b>telling</b> 38:6 41:21</p> <p><b>tells</b> 87:22</p> <p><b>ten</b> 12:6,14 32:16 50:7,16</p> <p><b>tenants</b> 71:7,15</p> <p><b>term</b> 43:12 85:15,25 87:3 87:4,5</p> <p><b>terms</b> 48:24 71:1 86:15</p> <p><b>testified</b> 6:24</p> <p><b>testify</b> 68:7</p> <p><b>testifying</b> 91:5</p>	<p><b>testimony</b> 26:9 63:19 94:6,7 95:6,9,12</p> <p><b>thank</b> 6:16 8:4 11:21 17:23 38:1 45:21 50:6 52:3 89:13</p> <p><b>thereabouts</b> 28:20 29:18</p> <p><b>thereof</b> 41:12</p> <p><b>thing</b> 89:2</p> <p><b>things</b> 12:2 23:15 47:19 55:15 56:6 57:16 60:5 83:20 88:23</p> <p><b>think</b> 8:20 10:18 13:22 15:16 17:4 20:8 21:21 22:8 23:18 24:3,5,17 26:21 27:5,5 28:21,23 30:15 31:12,23 33:8 38:3,5 39:12 41:10 46:3 47:2,19 53:23 54:6 56:25 57:6,7,8,13,19 57:23 58:5 59:9,15,18 60:2 62:6,12 64:12 66:19</p>	<p>67:5 69:5,18 69:19 70:21,24 71:3 75:1,8,25 76:5,21 78:8 79:5 85:5 87:3 87:24 88:12,22 88:25,25</p> <p><b>thinking</b> 21:2 76:24 77:1 85:11</p> <p><b>thinner</b> 65:9,24 66:17 67:2</p> <p><b>thirty</b> 93:19</p> <p><b>thompson</b> 1:17 5:7 6:15,15,21 7:5,10 9:7 12:19 13:7 14:7 17:25 18:12,18 19:8 22:14,25 32:21 34:7 50:15 51:23 53:4,11 54:24 55:21 64:21 65:1,6 69:4 70:18 77:20 80:1 81:3 85:13 93:9 94:4,9 95:4,13 96:20</p> <p><b>thompson's</b> 79:21</p> <p><b>thought</b> 33:21 34:16</p> <p><b>thousand</b> 30:24</p>	<p><b>thousands</b> 12:15</p> <p><b>three</b> 78:8,13</p> <p><b>time</b> 1:19 6:2 7:11 8:1 44:5,8 55:13 56:2 60:8 64:16 67:23 68:2,4 70:10 75:13 82:24 83:12,23 83:24 87:17</p> <p><b>times</b> 7:17 21:25 40:7 53:22 78:19 79:16</p> <p><b>today</b> 7:11 8:20 9:8 11:5 23:25 31:3 42:18 46:9,14 47:21 49:11,12 53:23 55:25 68:6 76:22 80:5</p> <p><b>today's</b> 56:25</p> <p><b>told</b> 16:17,18 29:6 61:2 70:8 81:22 82:20</p> <p><b>tomorrow</b> 65:16</p> <p><b>took</b> 10:22 41:1 41:3 50:19</p> <p><b>total</b> 24:6 61:15 76:12</p> <p><b>touch</b> 44:5,8</p> <p><b>touched</b> 78:20</p>
--	---	--	---



<p><b>towns</b> 69:2  <b>trained</b> 57:4  <b>transcribed</b>  94:7  <b>transcriber</b>  92:1  <b>transcript</b> 5:18  20:10 89:16,18  91:21 92:3,5  93:12,13 94:5  94:12 95:5,11  95:17  <b>transcriptionist</b>  91:8  <b>transfer</b> 61:9  67:18,21  <b>transfers</b> 60:5  61:4  <b>traveling</b> 41:14  87:7  <b>treat</b> 37:13  <b>treated</b> 46:24  <b>treatment</b>  28:15 29:12  36:4,16 40:19  42:1  <b>trial</b> 15:16  16:19 18:12  <b>true</b> 91:9 92:5  <b>truth</b> 6:23,23  6:24  <b>try</b> 48:14 68:17  <b>trying</b> 7:22  16:1 22:6 70:9  70:14</p>	<p><b>turn</b> 33:6  <b>twice</b> 17:13  <b>two</b> 27:25  56:14 60:22  87:16  <b>type</b> 7:21 89:2  <b>typewriting</b>  91:7  <b>typically</b> 51:13</p> <hr/> <p style="text-align: center;"><b>u</b></p> <hr/> <p><b>uh</b> 7:19,19  <b>ultimately</b> 17:8  <b>unable</b> 62:11  77:4  <b>uncooperative</b>  65:3  <b>under</b> 5:21  14:12 22:19  38:12 39:6  74:15  <b>understand</b>  5:17 7:12  11:20,24 12:9  12:24,25 13:6  15:5,11,15,25  16:25,25 17:16  19:16 21:8  26:2,4 30:5  33:3,9,21 34:6  35:5,9 38:1  39:16 43:25  44:22 46:24  54:13 59:17  60:14,15 65:14  86:25</p>	<p><b>understanding</b>  16:14,19 27:23  41:20 42:13  67:16 73:16  <b>understood</b>  28:9 55:16  <b>undoubtedly</b>  7:10  <b>undue</b> 16:15,20  <b>unger</b> 3:4 6:11  6:11  <b>universally</b>  37:23  <b>upgrade</b> 28:10  29:5,24  <b>upgrades</b> 30:7  <b>upheld</b> 39:7,24  <b>upstream</b>  57:25  <b>urbanization</b>  41:17  <b>urbanized</b>  14:17 15:13,18  53:16,24  <b>use</b> 46:2 54:8  <b>used</b> 53:22  54:18 86:9  <b>users</b> 41:22  71:7  <b>uses</b> 5:20  <b>using</b> 51:25  <b>utilities</b> 10:1  32:4,9 34:5,13  34:23 35:17</p>	<p style="text-align: center;"><b>v</b></p> <hr/> <p><b>v</b> 1:10 93:6  94:3 95:3  <b>vague</b> 18:15  <b>vaguely</b> 67:14  <b>value</b> 79:25  80:8,15,22  81:4,18,25  82:17 83:3,9  <b>valued</b> 63:2  <b>values</b> 62:19  <b>varies</b> 12:6  56:9  <b>various</b> 57:25  60:5  <b>varying</b> 12:14  <b>vast</b> 78:12  <b>veritext</b> 5:4  93:1,8 96:1  <b>veritext.com.</b>  93:17  <b>version</b> 55:9,11  <b>virtually</b> 86:5  <b>virtue</b> 24:5  <b>vision</b> 54:16,19  57:1  <b>vs</b> 5:9</p> <hr/> <p style="text-align: center;"><b>w</b></p> <hr/> <p><b>wait</b> 52:2  <b>waiting</b> 43:18  <b>waived</b> 93:20  <b>waivers</b> 32:9  39:7,24  <b>walnut</b> 87:14  88:3,13</p>
---	--	--	--

<p><b>want</b> 12:3                  13:15,16 14:5                  15:20,25 16:16                  17:20 21:11                  24:2 26:1,2,20                  31:9 33:18                  34:13 35:10                  37:18 39:7                  40:6,7 41:5,20                  43:14 44:22                  47:14,15 48:5                  48:18 54:7                  57:10,24 66:8                  74:23 77:3                  78:22 79:3,6                  79:12 84:25,25                  89:15  <b>wanted</b> 14:4                  28:5 34:17                  60:4  <b>wants</b> 36:21  <b>wastewater</b>                  28:14,16 42:1  <b>wastewaters</b>                  29:1  <b>wasting</b> 83:5,9                  84:12  <b>water</b> 9:22                  28:15 29:12                  30:21 31:4                  32:19 33:6                  34:9 36:4,11                  36:12,13,16,21                  37:1,3,10,19,24                  37:25 38:4,13</p>	<p>39:18 40:14                  41:8,25 43:21                  45:23 46:7,13                  46:24 51:3                  52:25 53:16  <b>way</b> 23:12                  27:24 45:22                  78:24 87:16  <b>we've</b> 24:17                  32:24 34:1                  50:15 61:2,12                  61:14,14  <b>website</b> 10:22  <b>week</b> 32:15                  34:19  <b>welcome</b> 12:24                  13:4 89:2  <b>welcomes</b> 88:9                  89:1  <b>welcoming</b>                  85:7  <b>west</b> 62:21 88:8  <b>whatsoever</b>                  7:14 72:5,7                  73:18  <b>whereabouts</b>                  88:1  <b>why's</b> 39:5 67:7  <b>william</b> 2:5  <b>wind</b> 17:18  <b>winding</b> 19:22  <b>witness</b> 5:16,17                  6:14,18,22                  14:14,25 15:11                  15:17 16:5</p>	<p>18:7 20:12                  22:2,21 27:14                  33:13 38:18                  39:22 44:19                  45:12 54:12                  58:25 59:14,21                  62:2 71:11                  74:18 75:8                  79:12 81:10                  82:13 84:4                  85:2,24 89:15                  91:4 93:9,12                  94:1,4,11 95:1                  95:4,15  <b>witness'</b> 93:15  <b>wjbeggs</b> 2:9  <b>won</b> 76:5  <b>word</b> 13:5  <b>words</b> 15:19                  19:4 41:6                  77:12  <b>work</b> 27:24                  28:1 38:20                  39:9 59:9  <b>worker</b> 44:2  <b>working</b> 55:13                  62:13 63:1                  69:18  <b>written</b> 5:25                  29:11 48:23                  75:23</p>	<p><b>y</b>  <b>yeah</b> 11:21                  13:15,18 25:18                  25:19 26:3                  29:19 30:3,15                  33:13 44:24                  58:25 59:14                  60:22 62:2,13                  68:16 69:16                  73:13 78:14,23                  79:10 80:3,20                  82:1 84:22                  85:20 87:14  <b>year</b> 65:11,20                  65:23 66:10,16                  67:1 69:9 70:2  <b>years</b> 19:1                  32:12 34:24                  60:22 66:4                  67:20 82:23                  86:12,13,15  <b>yellow</b> 79:18</p> <p><b>z</b>  <b>zero</b> 61:13  <b>zones</b> 53:16</p>
			<p><b>x</b></p>
			<p><b>x</b> 4:1,5 91:21</p>

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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OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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