

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

4 IN THE CIRCUIT COURT OF MONROE COUNTY

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

6 COUNTY RESIDENTS AGAINST ANNEXATION, )  
 INC., an Indiana not for profit )  
7 corporation, et al., )  
 )  
8 Remonstrators/Appellants/Petitioners, )  
 )  
9 -vs- )  
 )  
10 THE COMMON COUNCIL of the City of )  
 Bloomington, Monroe County, Indiana, )  
11 et al., )  
 )  
12 Respondents. )  
13

14 DEPOSITION OF RICHARD NISBET  
15

16 The deposition upon oral examination of  
17 RICHARD NISBET, a witness produced and sworn before  
 me, Janine A. Ferren, RMR, CRR, CSR-IL No. 84-4852,  
18 Notary Public in and for the County of Hamilton,  
 State of Indiana, taken on behalf of the  
 Respondents, at the offices of Bloomington City  
19 Hall, 401 North Morton Street, Bloomington, Monroe  
 County, Indiana, on the 1st day of March 2024,  
20 scheduled to commence at 2:00 p.m., pursuant to the  
 Indiana Rules of Trial Procedure with written  
21 notice as to time and place thereof.  
22  
23  
24  
25

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1 APPEARANCES

2 FOR THE REMONSTRATORS/APPELLANTS/PETITIONERS:

3 William J. Beggs

4 BUNGER & ROBERTSON

5 211 South College Avenue

6 Bloomington, IN 47404

7 812.332.9295

8 wjbeggs@lawbr.com

9

10 FOR THE RESPONDENTS:

11 Andrew M. McNeil

12 Stephen C. Unger

13 BOSE McKINNEY & EVANS LLP

14 111 Monument Circle

15 Suite 2700

16 Indianapolis, IN 46204

17 317.684.5000

18 amcneil@boselaw.com

19 sunger@boselaw.com

20

21 ALSO PRESENT:

22 Margaret Clements

23

24

25

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1 INDEX OF EXHIBITS

2 Previously Marked Exhibits: Page

3 Exhibit 28 - Amended and Supplemented 14

4 Answers of County Residents

5 Against Annexation, Inc. to

6 City of Bloomington's

7 Interrogatories

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1 INDEX OF EXAMINATION

2 Page

3 DIRECT EXAMINATION .....5

4 Questions by Andrew M. McNeil

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Page 5

1 (Time noted: 2:06 p.m.)

2 RICHARD NISBET,

3 having been duly sworn to tell the truth, the whole

4 truth, and nothing but the truth relating to said

5 matter, was examined and testified as follows:

6

7 DIRECT EXAMINATION,

8 QUESTIONS BY ANDREW M. McNEIL:

9 Q Please state your name for the record.

10 A Richard Nisbet.

11 Q Mr. Nisbet, my name is Andrew McNeil. I'm one

12 of the attorneys for the City of Bloomington in

13 the annexation remonstrance case.

14 Have you ever had the opportunity to

15 provide testimony by way of deposition before?

16 A No.

17 Q So the process is pretty simple. I'm going to

18 ask you a series of questions, and your job is

19 to answer them as completely and as truthfully

20 as you can. Does that make sense?

21 A Yes.

22 Q If you don't understand my question, will you

23 let me know?

24 A Yes.

25 Q If you need me to rephrase something or don't

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1 hear my question, will you let me know that?  
 2 A Yes.  
 3 Q We're running through these in about 30-minute  
 4 cycles, but if you need to take a break for any  
 5 reason at all, will you let us know?  
 6 A Sure.  
 7 Q What is your address?  
 8 A 2902 South Yonkers Street, Bloomington 47403.  
 9 Q Is that in Annexation Area 1B?  
 10 A Yes, it is.  
 11 Q How long have you lived there?  
 12 A Twenty-three years.  
 13 Q Does anyone live at that address with you?  
 14 A Yes.  
 15 Q Who lives there with you?  
 16 A Currently my wife, my grandson, and one of my  
 17 daughters.  
 18 Q Do you own any other real estate in Annexation  
 19 Area 1A or 1B?  
 20 A No.  
 21 Q Do you have any plans to move?  
 22 A No.  
 23 Q I heard you say before we went on the record  
 24 that you're working as an electrician?  
 25 A Yeah.

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1 Q Where do you work?  
 2 A Alexander Electric.  
 3 Q Are you unretired at the moment?  
 4 A Yes.  
 5 Q So when did you go back to work at Alexander  
 6 Electric?  
 7 A I went back part time two years ago and now I'm  
 8 back full time.  
 9 Q When you retired, were you working at Alexander  
 10 Electric?  
 11 A Yes.  
 12 Q Are you buying your home or do you rent?  
 13 A Buying.  
 14 Q Do you know if you have the homestead property  
 15 tax exemption filed on your property?  
 16 A I do not know that.  
 17 Q Did you or someone in your household sign a  
 18 remonstrance petition opposing the annexation?  
 19 A Yes.  
 20 Q Did you sign it?  
 21 A Yes.  
 22 Q When you signed it, did you understand that you  
 23 were expressing official opposition to the  
 24 annexation?  
 25 A Yes.

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1 Q Are you still opposed to the annexation?  
 2 A Yes.  
 3 Q I'm going to ask a very broad question and then  
 4 we can follow up as needed on your answer. But  
 5 the question generally is, please tell us the  
 6 reasons, all the reasons why you're opposed to  
 7 the annexation.  
 8 A First of all, my taxes are going to go up. I  
 9 don't think I'm going to get anything for that  
 10 tax money that I don't already get from the  
 11 County.  
 12 The County just repaved our roads three  
 13 years ago, so our roads are in very good shape.  
 14 I drive around the city, and the city roads are  
 15 in terrible shape.  
 16 I don't need trash collection from the  
 17 City. I currently haul off my own trash.  
 18 I don't think -- I don't think police  
 19 coverage is a factor because, from my  
 20 understanding, the police department is way down  
 21 in their number of officers in the City of  
 22 Bloomington now. I don't know how they could  
 23 handle any additional area.  
 24 We have fire protection from the fire  
 25 district, and I don't believe that will change

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1 if the City annexes that property.  
 2 Q Any other reasons come to mind for why you  
 3 oppose the annexation?  
 4 A Just financial.  
 5 Q Financial. And when you say "financial," are  
 6 you referring specifically to the property tax  
 7 issue?  
 8 A Yes.  
 9 Q What is your understanding, if any, on the  
 10 impact the annexation would have on your  
 11 property taxes? Besides increasing them, do you  
 12 have any specific understanding?  
 13 A No, I don't have any specifics.  
 14 Q Have you ever looked at a property tax  
 15 calculator either through the City of  
 16 Bloomington, the County, or the state to --  
 17 A No.  
 18 Q Are you aware of any other -- so you've  
 19 identified property taxes. You mentioned waste  
 20 hauling that you don't need. Do you understand  
 21 that if the annexation goes forward, the City of  
 22 Bloomington would take over the waste removal?  
 23 A At a fee.  
 24 Q At a fee, right.  
 25 Do you have City of Bloomington utility

<p style="text-align: right;">Page 10</p> <p>1 service for water and sewer?  2 A Yes.  3 Q Do you understand that if the annexation goes  4 forward, your water and sewer bill would go  5 down?  6 A Until they add the trash hauling.  7 Q Right. But just for the sewer and water  8 service, do you understand that the fee for  9 those services outside of the trash hauling  10 would go down, stay the same, or increase?  11 A I think it would go down.  12 Q Because you would be an in-city user?  13 A Yes.  14 Q Subject to whatever the additional trash fee is?  15 A Correct.  16 Q Other than the property tax impact and a  17 potential impact from the waste hauling fee  18 after the utility bill gets sorted out, are you  19 aware of any other financial impacts the  20 annexation would have on you or your household?  21 A No.  22 Q You say the County repaved Yonkers about three  23 years ago?  24 A Yes.  25 Q Your perspective on the city streets, as you</p>	<p style="text-align: right;">Page 12</p> <p>1 Q Do you have a copy of the report on your phone?  2 A Uh-huh.  3 Q Where did you get that?  4 A Online.  5 Q Have you read it?  6 A I've read parts of it, yes.  7 Q I'm just curious. Most people we've talked to  8 haven't actually seen that report. What is it  9 about that report that caught your attention?  10 A There is a graph showing the number of officers  11 that were on duty at that time from, I think it  12 was from 2:00 in the afternoon until 9 or 10:00  13 at night. They only had half the officers on  14 duty that this report said they should have.  15 Q So how did the report come to your attention in  16 the first place? Through news reports or --  17 A I have heard rumors that the City of  18 Bloomington's police department was  19 understaffed, so I started researching.  20 Q And in this Novac Consulting Group report with  21 the graph or the table showing the staffing  22 levels from 2 to 9, there were many other graphs  23 and tables in the report?  24 A Yes.  25 Q Do you remember the graphs and tables that</p>
<p style="text-align: right;">Page 11</p> <p>1 described, is that just your general observation  2 from someone who drives through the city?  3 A Yes. Well, when I get out of my neighborhood --  4 when I get out of the streets that the County  5 just repaved, the city streets that are adjacent  6 are in terrible shape.  7 Q Where is Alexander Electric located?  8 A Alexander Electric is 5970 West State Road 48.  9 Q How do you get there from your house?  10 A I generally take Highway 45 to Airport Road to  11 Kirby Road, and Kirby Road runs right into  12 Alexander Electric.  13 Q As an electrician for Alexander Electric, are  14 you a residential, or is it new construction,  15 commercial? What kind of jobs are you doing?  16 A Commercial and light industrial.  17 Q You mentioned in your answer that the police  18 department is down in the number of officers.  19 What is that understanding based on?  20 A A 2020 report that was given to the City. You  21 want the name of the report?  22 Q The Novac Consulting Group?  23 A Yes.  24 Q Do you have notes in your pocket?  25 A I have a phone in my pocket.</p>	<p style="text-align: right;">Page 13</p> <p>1 showed how they could rearrange the scheduling  2 to improve staffing at peak times?  3 A I did see some of that, but that wasn't what I  4 was looking for at the time.  5 Q What were you specifically looking for?  6 A I was looking to see if, at the time, the police  7 department was understaffed.  8 Q And in the table you looked at, do you remember  9 if it was a schedule of six  10 eight-and-a-half-hour days followed by three  11 days off?  12 A Yes.  13 Q Have you seen any similar data on staffing  14 levels for the Monroe County Sheriff's  15 Department?  16 A No. I wasn't aware there was such a report.  17 Q I don't know if there is one or not. I'm just  18 wondering in your research whether you've seen  19 any information, whether a report or news  20 articles or anything.  21 A No.  22 Q Mr. Nisbet, do you know what your property taxes  23 were for 2023?  24 A I don't recall that offhand.  25 Q Do you pay the property taxes directly or do</p>

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1 they get paid through escrow?  
 2 A Through an escrow account.  
 3 Q Do you recall over each year getting letters  
 4 from the auditor or the --  
 5 A Yes.  
 6 Q -- County assessor talking about your assessed  
 7 value?  
 8 A Yes.  
 9 Q Have your property taxes increased in the last,  
 10 say, over the course of the last five years?  
 11 A Yes.  
 12 Q Has that been driven by an increase in the  
 13 assessed value?  
 14 A Yes.  
 15 Q Have you ever tried to appeal your property tax  
 16 assessment?  
 17 A No.  
 18 (Deposition Exhibit 28 previously marked  
 19 for identification.)  
 20 Q The document in front of you has a Number 28 on  
 21 it, Exhibit 28.  
 22 A Yes.  
 23 Q Those are the answers -- amended and  
 24 supplemented answers of County Residents Against  
 25 Annexation to City of Bloomington's

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1 interrogatories.  
 2 If you would turn to, I believe it's  
 3 page 12, it's question 13. The question asked  
 4 the responder to "Identify and list all facts  
 5 and documents supporting a contention that the  
 6 annexation is not in the best interest of owners  
 7 of land in the annexation territory," and  
 8 identify the witnesses.  
 9 Do you see that?  
 10 A Yes.  
 11 Q If you turn the page to page 13, do you see in  
 12 the supplemental answer section it says, "See  
 13 Supplemental Answer Number 5. In addition, if  
 14 called to testify, the following would be asked  
 15 to testify about the impact of annexation upon  
 16 them or upon their businesses," and then it's  
 17 the third line from the bottom of that paragraph  
 18 that starts, "Jacomina Smith." If you go over,  
 19 do you see your name there?  
 20 A Yes.  
 21 Q Is there anything else that you would say or  
 22 testify to with respect to -- that you haven't  
 23 already, with respect to whether the annexation  
 24 is in the best interest of the owners of land in  
 25 the annexation territory?

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1 A No, I don't think so.  
 2 MR. McNEIL: I have no further questions.  
 3 MR. BEGGS: No questions. Thank you very  
 4 much.  
 5 (Time noted: 2:22 p.m.)  
 6 AND FURTHER THE DEPONENT SAITH NOT.  
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 10 \_\_\_\_\_  
 11 RICHARD NISBET  
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Page 17

1 STATE OF INDIANA )  
 ) SS:  
 2 COUNTY OF HAMILTON )  
 3 I, Janine A. Ferren, a Notary Public in and  
 4 for the County of Hamilton, State of Indiana at  
 5 large, do hereby certify that RICHARD NISBET, the  
 6 deponent herein, was by me first duly sworn to tell  
 7 the truth, the whole truth, and nothing but the  
 8 truth in the aforementioned matter;  
 9 That the foregoing deposition was taken on  
 10 behalf of the Respondents, at the offices of  
 11 Bloomington City Hall, 401 North Morton Street,  
 12 Bloomington, Monroe County, Indiana, on the 1st day  
 13 of March 2024, commencing at the hour of 2:06 p.m.,  
 14 pursuant to the Indiana Rules of Trial Procedure;  
 15 That said deposition was taken down  
 16 stenographically and transcribed under my  
 17 direction, and that the typewritten transcript is a  
 18 true record of the testimony given by the said  
 19 deponent; and thereafter presented to said deponent  
 20 for his signature;  
 21 That the parties were represented by their  
 22 counsel as aforementioned.  
 23 I do further certify that I am a disinterested  
 24 person in this cause of action; that I am not a  
 25 relative or attorney of any party, or otherwise

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1 interested in the event of this action, and am not  
 2 in the employ of the attorneys for any party.  
 3 IN WITNESS WHEREOF, I have hereunto set my  
 4 hand and affixed my notarial seal on this 15th  
 5 day of March 2024.

6  
 7   
 8  
 9 Janine A. Ferren  
 10  
 11 Seal, Notary Public My Commission Expires:  
 12 State of Indiana April 22, 2024  
 13 Janine A. Ferren County of Residence:  
 14 Commission No. NP0681591 Hamilton  
 15  
 16  
 17  
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 25

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1 DEPOSITION REVIEW  
 CERTIFICATION OF WITNESS

2  
 3 ASSIGNMENT REFERENCE NO: 6465811  
 CASE NAME: County Residents Against Annexation, Inc., Et Al.  
 v. The Common Council Of The City Of Bloomington, Monroe County,  
 Indiana, Et Al.  
 DATE OF DEPOSITION: 3/1/2024  
 WITNESS' NAME: Richard Nisbet  
 4 In accordance with the Rules of Civil  
 5 Procedure, I have read the entire transcript of  
 6 my testimony or it has been read to me.  
 7 I have made no changes to the testimony  
 as transcribed by the court reporter.  
 8

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

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

15 I have affixed my name and official seal  
 16 this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
 17  
 18 \_\_\_\_\_  
 Notary Public  
 19  
 \_\_\_\_\_  
 Commission Expiration Date  
 20  
 21  
 22  
 23  
 24  
 25

Page 19

1 Veritext Legal Solutions  
 1100 Superior Ave  
 2 Suite 1820  
 Cleveland, Ohio 44114  
 3 Phone: 216-523-1313  
 4 March 15, 2024  
 5 To: William J. Beggs, Esq.  
 6 Case Name: County Residents Against Annexation, Inc., Et Al. v. The  
 Common Council Of The City Of Bloomington, Monroe County, Indiana, Et  
 7 Al.  
 8 Veritext Reference Number: 6465811  
 9 Witness: Richard Nisbet Deposition Date: 3/1/2024  
 10 Dear Sir/Madam:  
 11 The deposition transcript taken in the above-referenced  
 12 matter, with the reading and signing having not been  
 13 expressly waived, has been completed and is available  
 14 for review and signature. Please call our office to  
 15 make arrangements for a convenient location to  
 16 accomplish this or if you prefer a certified transcript  
 17 can be purchased.  
 18 If the errata is not returned within thirty days of your  
 19 receipt of this letter, the reading and signing will be  
 20 deemed waived.  
 21  
 22 Sincerely,  
 23 Production Department  
 24  
 25 NO NOTARY REQUIRED IN CA

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1 DEPOSITION REVIEW  
 CERTIFICATION OF WITNESS

2  
 3 ASSIGNMENT REFERENCE NO: 6465811  
 CASE NAME: County Residents Against Annexation, Inc., Et Al.  
 v. The Common Council Of The City Of Bloomington, Monroe County,  
 Indiana, Et Al.  
 DATE OF DEPOSITION: 3/1/2024  
 WITNESS' NAME: Richard Nisbet  
 4 In accordance with the Rules of Civil  
 5 Procedure, I have read the entire transcript of  
 6 my testimony or it has been read to me.  
 7 I have listed my changes on the attached  
 Errata Sheet, listing page and line numbers as  
 8 well as the reason(s) for the change(s).  
 9 I request that these changes be entered  
 as part of the record of my testimony.  
 10  
 11 I have executed the Errata Sheet, as well  
 as this Certificate, and request and authorize  
 that both be appended to the transcript of my  
 12 testimony and be incorporated therein.  
 13 \_\_\_\_\_  
 Date Richard Nisbet  
 14  
 15 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:  
 16 They have read the transcript;  
 17 They have listed all of their corrections  
 in the appended Errata Sheet;  
 18 They signed the foregoing Sworn  
 Statement; and  
 19 Their execution of this Statement is of  
 their free act and deed.  
 20 I have affixed my name and official seal  
 21 this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
 22  
 23 \_\_\_\_\_  
 Notary Public  
 24  
 \_\_\_\_\_  
 Commission Expiration Date  
 25

1 ERRATA SHEET  
2 VERITEXT LEGAL SOLUTIONS MIDWEST  
3 ASSIGNMENT NO: 3/1/2024

4	PAGE/LINE(S) /	CHANGE	/REASON
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19			

20 Date Richard Nisbet  
 21 SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_\_  
 22 DAY OF \_\_\_\_\_, 20\_\_\_\_\_.  
 23 \_\_\_\_\_  
 Notary Public  
 24 \_\_\_\_\_  
 25 Commission Expiration Date

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Indiana Rules of Trial Procedure  
Depositions Upon Oral Examination

Rule 30

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

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

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

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

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

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



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

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THE ABOVE RULES ARE CURRENT AS OF APRIL 1,  
2019. PLEASE REFER TO THE APPLICABLE STATE RULES  
OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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