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STATE OF INDIANA
COUNTY OF MONROE
IN THE MONROE CIRCUIT COURT

COUNTY RESIDENTS AGAINST
ANNEXATION, INC., an Indiana
not for profit Corporation,
Representative of Those in the
Territories Sought to be
Annexed; DON CREEK, HARRY
FERRIS, WILLIAM MAN WARING,
DAN DOYLE, CATHERINE DENSFORD,
ETHEL ANN SATLER, MARILYN J.
DANIELSON, DEAN F. HOKE, BERT
F. PHILLIPS, SUNNY SLATER,
HOLLY HILL, DEBORAH REED for
REED QUARRIES, INC.,
THOMAS W. MCGHIE, RICKY
FERGUSON, THOMAS E. OSBORN,
JIMMIE JOHNSON, RICHARD PEACH,
KAREN LAUCELLA, BARBARA
LEININGER, RHONDA GRAY,
ARLLYS PAPKE, JOANNA HAHN;
and OTHER TERRITORY 1A AND
I OWNERS OF LAND,

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Petitioners,

v.

THE COMMON COUNCIL of the City
of Bloomington, Monroe County,
Indiana, JOHN HAMILTON in his
Official Capacity as Mayor
of Bloomington, Monroe County,
Indiana, and CATHERINE SMITH in
Her Official Capacity as
Auditor of Monroe County,
Indiana,

Cause No.
53C06-2203-PL-
000509

Respondents.

DEPOSITION OF
RITA BARROW

DATE: Thursday, March 14, 2024
TIME: 10:36 a.m.
LOCATION: Bloomington City Hall
401 North Morton Street
Bloomington, IN 47404
REPORTED BY: Andrew Pronschinske
JOB NO.: 6485975

A P P E A R A N C E S

1
2 ON BEHALF OF PETITIONERS COUNTY RESIDENTS AGAINST
3 ANNEXATION, INC., DON CREEK, HARRY FERRIS, WILLIAM MAN
4 WARING, DAN DOYLE, CATHERINE DENSFORD, ETHEL ANN
5 SATLER, MARILYN J. DANIELSON, DEAN F. HOKE, BERT F.
6 PHILLIPS, SUNNY SLATER, HOLLY HILL, DEBORAH REED for
7 REED QUARRIES, INC., THOMAS W. McGHIE, RICKY FERGUSON,
8 THOMAS E. OSBORN, JIMMIE JOHNSON, RICHARD PEACH, KAREN
9 LAUCELLA, BARBARA LEININGER, RHONDA GRAY, ARLLYS
10 PAPKE, JOANNA HAHN; and OTHER TERRITORY 1A AND I
11 OWNERS OF LAND:

12 RYAN HEEB, ESQUIRE
13 Bunger & Robertson
14 211 South College Avenue
15 Bloomington, IN 47404
16 rheeb@lawbr.com
17 (317) 296-5294
18

19 ON BEHALF OF RESPONDENTS CITY OF BLOOMINGTON, INDIANA:

20 STEPHEN C. UNGER, ESQUIRE
21 Bose McKinney & Evans LLP
22 111 Monument Circle, Suite 2700
23 Indianapolis, IN 46204
24 sunger@boselaw.com
25 (317) 684-5435

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

ON BEHALF OF RESPONDENTS CITY OF BLOOMINGTON, INDIANA:

ANDREW M. MCNEIL, ESQUIRE

Bose McKinney & Evans LLP

111 Monument Circle, Suite 2700

Indianapolis, IN 46204

amcneil@boselaw.com

(317) 684-5253

ALSO PRESENT:

Margaret Clements, County Residents against

Annexation, Inc., Corporate representative

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I N D E X

EXAMINATION:	PAGE
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By Mr. Heeb	97
By Mr. McNeil	98

E X H I B I T S

NO.	DESCRIPTION	PAGE
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Exhibit 64	John Hamilton Memo, 08/03/2021	71
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P R O C E E D I N G S

1
2 THE REPORTER: Good morning. My name
3 is Andrew Pronschinske; I am the reporter assigned by
4 Veritext to take the record of this proceeding. We're
5 now on the record at 10:36 a.m.

6 This is the deposition of Rita Barrow
7 taken in the matter of County Residents Against
8 Annexation, Incorporated and 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 14, 2024, at the Bloomington City Hall, 401
12 North Morton Street, Bloomington, Indiana, 46 --
13 47404.

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

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

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

1 - shall constitute written stipulation
2 of such.

3 At this time will everyone in
4 attendance please identify yourself for the record,
5 beginning from my left.

6 MR. MCNEIL: Andrew McNeil, Bose
7 McKinney & Evans for the City of Bloomington.

8 MR. UNGER: Steve Unger also with the
9 City of Bloomington.

10 MS. CLEMENTS: Margaret Clements,
11 County Residents Against Annexation.

12 MR. HEEB: Ryan Heeb, of the firm
13 Bunger & Robertson for the petitioners.

14 MS. BARROW: Rita Barrow, Van Buren
15 Township Trustee.

16 THE REPORTER: Thank you. Hearing no
17 objection, I will now swear in the witness.

18 Please raise your right hand.

19 WHEREUPON,

20 RITA BARROW,
21 called as a witness and having been first duly sworn
22 to tell the truth, the whole truth, and nothing but
23 the truth, was examined and testified as follows:

24 THE REPORTER: Thank you. We may
25 proceed.

EXAMINATION

1
2 BY MR. MCNEIL:

3 Q Please state your name for the record.

4 A Rita Barrow.

5 Q Ms. Barrow, as we just met my name is Andrew
6 McNeil. I'm one of the attorneys for the City of
7 Bloomington in this annexation remonstrance case.
8 Have you ever had the opportunity to provide
9 deposition testimony before?

10 A No.

11 Q Have you ever testified in a court
12 proceeding?

13 A No. Well -- I'm sorry, yes. Yes, I did one
14 time prior. There was an incident that I had an
15 intruder to come into my home and that was taken to
16 court.

17 Q So was that a criminal case against the
18 intruder?

19 A Yes.

20 Q Okay. How long ago was that?

21 A I'm going to say 15 or 16 years ago.

22 Q So for a deposition, the ground rules are
23 pretty simple. I'm going to ask you a series of
24 questions and your job is to answer them as completely
25 and as truthfully as you can. Does that make sense?

1 A Yes.

2 Q If you don't understand my question will you
3 let me know?

4 A Absolutely.

5 Q If you don't hear me or need me to rephrase
6 something will you let me know that too?

7 A Yes.

8 Q If you need to take a break for any reason
9 to use the restroom or stand to stretch your legs will
10 you let me know that?

11 A Yes.

12 Q Did you do anything to prepare for the
13 deposition today?

14 A I have a few -- a few items that I focused
15 on as far as whenever the residents would come into
16 our office and ask about it.

17 Q So you have a folder in front of you that
18 has a handful of --

19 A I just made copies.

20 Q Is that one --

21 A And I -- I think you have these.

22 Q So did you make copies -- extra copies for
23 everybody?

24 A Not for everybody just for one. I don't
25 want to make extra copies if I don't have to.

1 Q Sure. So how many different packets are
2 stapled together in your folder?

3 A Two.

4 Q And how --

5 A Those are something else, but -- and that's
6 not for annexations.

7 Q So the other papers in your folder, which
8 you've now closed are unrelated to the annexation?

9 A No. They relate to it, but that's -- it's
10 just information that I've received, so it's not
11 anything big.

12 Q So -- received from where?

13 A Everyone.

14 Q So let's just if we -- can we -- do you mind
15 if I look at your folder like just the whole folder?
16 Thank you.

17 A Mm-hmm.

18 Q You've handed me the folder. The first
19 document on top says "Annexation Financial Impact
20 Monroe County Government minus negative \$2,737,000"
21 and then there's other data there; correct?

22 A Yes.

23 Q The second page says, "Van Buren is not
24 interested in becoming part of the annexation" and
25 then there it says "Township assistance provides" and

1 then there's a table of different services the
2 township provides?

3 A Yes.

4 Q And then some narrative comments at the
5 bottom.

6 A Yes.

7 Q And then the third page looks like a
8 financial report or comparative data from 2021
9 estimated revenue impact to overlapping taxing units
10 with Baker Tilly information in one column. Reedy
11 Financial Group in another column and then a variance
12 column at the far-right side; correct?

13 A Yes.

14 Q Where did this first page this "Annexation
15 Financial Impact Data" document come from?

16 A I believe that came from the County, but I'm
17 not positive on -- I didn't go into depth to try it
18 find it, but I think it was in the news -- oh, it was
19 in the HT.

20 Q In the what? The Harold Times?

21 A Harold Times.

22 Q Is this something you copied from the Harold
23 Times?

24 A Yes.

25 Q When did you prepare this document?

1 A Probably 2021 -- 2021.

2 Q Okay. And then the second page the "Van
3 Buren is not interested in becoming a part of the
4 annexation" this --

5 A That's mine.

6 Q When was this created?

7 A That was created about -- I'm going to say
8 three to four months ago.

9 Q Well, the far-right column is 2024 year to
10 date and this is the middle of March 2024.

11 A So -- well, that could be my budget that
12 was -- imposed there, but I'm not positive. I can't
13 remember the dates. I --

14 Q What was the purpose for preparing this?

15 A Just to show what we do and how much we
16 spend each year and what kind of impact this would be
17 on annexation.

18 Q So the figures that are in the table --

19 A That is what we have spent for -- from I
20 think it's 2020. Is that correct?

21 Q Yes. 2020 through 2024 year to date.

22 A Yes.

23 Q And it's broken down by year?

24 A Yes.

25 Q So for 2020, for example, it says the totals

1 are \$89,326.67.

2 A Correct. And if you think about it, that
3 was during COVID.

4 Q Sure. So 2023, the totals are \$124,184.85?

5 A Yes.

6 Q And these are amounts the township trustee
7 has spent on assistance programs?

8 A Yes.

9 Q It's not the total budget?

10 A No. No.

11 Q And then this comparative page between Baker
12 Tilly and Reedy Financial, where did you get this
13 from?

14 A From Baker Tilly, I believe. And that's
15 been -- what two, three years ago.

16 Q And the next document, it's actually the
17 same thing.

18 A Yes.

19 Q Okay. And there's --

20 A The map.

21 Q The map. Is this -- what is this a map of?

22 A Of the annexation area in Van Buren.

23 Q So it's 1B?

24 A 1A.

25 Q I'm sorry, 1A overlap and --

1 A And 1B, yes.

2 Q So Van Buren Township has parcels in both 1A
3 and 1B?

4 A Yes.

5 Q And then there's some narrative notes.

6 A Yeah.

7 Q Did you write those?

8 A I think I probably did.

9 Q When did you prepare this document?

10 A Oh, my gosh. I'm going to say probably
11 January, February of this year.

12 Q What was your purpose in creating them?

13 A Just so I would have reference.

14 Q The next document is titled "Annexation
15 Subpoena," do you see that? What is this document?

16 A That is one that was given to me as far as
17 being subpoenaed.

18 Q What -- who gave it to you?

19 A I would say probably one of the law offices
20 and it may have been you.

21 Q Well -- so how did you receive this
22 document, by email?

23 A Mm-hmm.

24 Q You have to say "yes" for the record.

25 A Yes.

1 MR. HEEB: Can I see what you're
2 looking at?

3 BY MR. MCNEIL:

4 Q So it says "Annexation Subpoena." First
5 sentence when contractors build into additions, they
6 request sewer and water, example cost of home and
7 labor involved \$250,000. Do you see -- well, you're
8 familiar with that? You shook your head, yes?

9 A Yes. I'm sorry.

10 Q That's all right. But it's your testimony
11 that you were not the author of this document;
12 correct? Let me -- did you write this document?

13 A I don't know. I can't see it from here.

14 Q I'm sorry.

15 A This is mine.

16 Q Okay. So when you said you got something
17 from the law office, you were referring to the
18 subpoena itself?

19 A Yes.

20 Q Okay. And then there's a document for
21 police?

22 A Yes.

23 Q Did you write that as well?

24 A Yes.

25 Q It refers to a 2019, study the City

1 commissioned. Are you familiar with the Novak
2 Consulting Group report?

3 A No.

4 Q The study said we needed 121 officers --

5 A I'm sorry. Yes, I do. I had read that and
6 that was something that I thought that if you asked
7 me, I could say, "Okay. Let me find my notes."

8 Q So the -- did you read that report?

9 A Only that.

10 Q Only the conclusion?

11 A That's the only, yes. That's the only thing
12 that I read in that.

13 Q The only thing you read just so the record
14 is clear. The only thing you read in that report was
15 the conclusion that the City of Bloomington needed 121
16 police officers?

17 A Yes. And by the time that they add everyone
18 else in, there's a report that says they will need
19 over 160 to be able to provide public service to all
20 the areas.

21 Q What report is that?

22 A I can't tell you because I didn't have it
23 down there.

24 Q So this -- you say here the national average
25 indicates a community needs 1.6 officers for every

1 thousand people.

2 A Yes.

3 Q What national -- what's the source of that
4 national average?

5 A If I had my computer in front of me, I could
6 tell you.

7 Q Do you know if it's from the FBI?

8 A I don't know who it's from.

9 Q So was it a -- this average was it a
10 staffing recommendation or does it reflect what the
11 average is in the field?

12 A It was a staffing recommendation.

13 Q Okay. And do you have your computer with
14 you?

15 A No, I do not.

16 Q So you believe there is a report out there
17 that says the national average staffing recommendation
18 is 1.6 officers for every thousand people?

19 A Yes. And I'll be very honest on this. This
20 is not anything to do with Van Buren other than the
21 fact that the residents of Van Buren will need
22 additional public safety people.

23 Q Did you know what the population count is of
24 the Van Buren township residents who are in annexation
25 areas 1A and 1B?

1 A The whole total is about 13,000.

2 Q The whole total of Van Buren Township is
3 13,000?

4 A Yes.

5 Q And what portion of that population is in
6 annexation areas 1A and 1B?

7 A Thirty -- 3100, I believe. It's close to
8 3100.

9 Q And looking back at this map, the area
10 shaded in blue is that the Van Buren Township?

11 A No. That is all Perry. Perry Township
12 within Van Buren.

13 Q So which --

14 A If not -- unless that doesn't -- let me see.

15 Q Sorry. Yellow is target -- it says yellow
16 is targeted for annexation.

17 A Yes, this is all Van Buren.

18 Q So it's your -- and is that the entirety of
19 the Van Buren Township area that is in annexation area
20 1A or 1B?

21 A Both. No, I'm sorry. 1B -- 1B because
22 after it -- it starts in Richland Township in Highland
23 Village and goes all the way to State Road 45 and then
24 from State Road 45 to Fullerton Pike.

25 Q So what did you -- what did you just

1 describe?

2 A Where 1A was and 1B was.

3 Q Right. So what I'm asking to understand is
4 this yellow shaded area on this map is that the
5 totality of Van Buren Township area --

6 A No.

7 Q That is in annexation area 1A and/or 1B?

8 A Yes.

9 Q Right. So it's your testimony there's
10 approximately 3100 people who live in that yellow-
11 shaded area?

12 A It's not the yellow. It's the blue, I
13 believe.

14 Q So it says blue is not targeted for
15 annexation.

16 A Okay. Okay. This is a different map.
17 blue -- blue is where it was not asked. And if you
18 look at the yellow right there according to what I've
19 read the City wanted the committee to -- community
20 area to stay together. The yellow and the blue going
21 across the line there was not annexed. And my
22 question was why did you not annex the whole community
23 there?

24 Q Right. So this is -- this is just a
25 snapshot of a subset of Van Buren Township --

1 A Yes.

2 Q -- overlap with the annexation areas?

3 A Yes, 1B.

4 Q So when you said earlier that this is all of
5 the Van Buren Township area --

6 A It's not all.

7 Q That's in 1A a 1B, that was incorrect?

8 A It is 1B.

9 Q But it's only a portion of --

10 A Yes.

11 Q -- it's only a portion of the Van Buren
12 Township property in 1B?

13 A Correct.

14 Q All right. Have city police officers
15 reached out to the Van Buren Township Trustee to tell
16 you of their poor working conditions?

17 A Yes.

18 Q Who? Which officers?

19 A I have no idea. That's been a long time
20 ago.

21 Q And they're talking to you directly?

22 A Yes. It's either by phone or in person and
23 that has been a couple years ago.

24 Q There's a document here with the title
25 "Circuit Breaker --

1 A Mm-hmm.

2 Q Are they -- you have to say "yes." Sorry.

3 A Yes. I'm sorry.

4 Q That's all right. You'll get used to it.

5 It's -- it's different because we have, you know, you

6 don't normally talk to someone and there's a

7 transcript being made. There's a document that says

8 "Circuit Breaker;" correct?

9 A Correct.

10 Q Is this a document you typed up?

11 A Yes.

12 Q Then there are three pages of text that have

13 quotes by a person named Ross. Ross said -- and it's

14 in -- it's a description of tax caps and circuit

15 breakers and things like that?

16 A Correct.

17 Q Do you know what this is?

18 A They were probably my notes whenever

19 annexation was occurring.

20 Q Do you know if this was -- it looks to me

21 here -- it looks to me like at least those first two

22 pages were copied from an article and pasted into a

23 document?

24 A Yes.

25 Q Is that what's going on?

1 A Yes.

2 Q Do you know what article it was that that
3 data -- that information comes from?

4 A No. And I will say this was -- excuse me.
5 My notes to the residents if they came in and asked
6 for an explanation of what was going to happen.
7 Bottom line, I gave them as much information as what I
8 could that I could back myself on.

9 But it's from what I've seen and what I've
10 heard and one I've spoke with, individuals that are
11 over this 65 that get that circuit breaker and that
12 tax, if their assessed value went over, then they did
13 not get the circuit breaker.

14 Q Right. You understand there's assessed
15 value and income limitations on the over-65 circuit
16 breaker?

17 A Yes.

18 Q Okay. And the last page in your folder.
19 It's a document it says "City gives grants to the
20 following" with amounts and Van Buren donated
21 amounts --

22 A Yes.

23 Q -- and the Red Cross, Community Kitchen,
24 organizations like that.

25 A Correct.

1 Q What is this document?

2 A That is my document that I -- I give to
3 certain non-profits because Van Buren does not have a
4 food pantry, which we help out Red Cross whenever
5 there's a fire that's in Van Buren. We try to help
6 them to help the resident or the renter that was not
7 permitted to go back into the property.

8 As well as we have guidelines that we are
9 not over a certain amount within Van Buren for rent or
10 utilities. That's our guidelines given to the State
11 Board of Accounts.

12 Q Okay. There's a note on the back to the
13 very first page. It says "At least 20 percent of Van
14 Buren residents are living on social security alone."

15 A Yes.

16 Q What's the source of that information?

17 A Census.

18 Q Do you know what portion of those residents
19 of Van Buren Township live in either area 1A or 1B?

20 A 1A and 1B.

21 Q Right. But --

22 A Both.

23 Q Sure. But my question is so if there's --
24 say there's 100,000 people. That's just a round
25 number. Easy to do math with and 20 percent of them

1 in the total area are on social security. That's
2 20,000 people.

3 A That's correct.

4 Q In that example, do you know what portion of
5 that -- what represents the 20,000 people on a
6 percentage basis would reside in either 1A or 1B?

7 A I'm going to say at least 20 percent.

8 Q So 20 percent of the 20 percent?

9 A Mm-hmm, 20 percent of the 200 or the what
10 was it you asked me in the first?

11 Q Well, so I said assume 100,000 people.

12 A 100,000. Okay. And the reason I know this
13 is because I have individuals that call me and say,
14 "Rita, can you look up" -- which was provided by the
15 City, "what my impact would be on assessed value and
16 what my taxes would be." And I said, "Sure."

17 So I went back to that document. They give
18 me their address. I'd look at it and I'd say,
19 "According to this, it looks like you're going to go X
20 amount over."

21 Q So let me try to focus my question based on
22 the answer you provided before that one. Are you
23 saying that all of the Van Buren residents who are on
24 social security alone --

25 A No. I'm not saying --

1 Q -- live in areas 1A and 1B?

2 A No.

3 Q Right.

4 A I'm saying 20 percent of the residents that
5 are being annexed live on social security alone.

6 Q So if there were 3100 residents in the
7 annexation area --

8 A 20 percent of that is 62.

9 Q You have to let me finish my question.
10 Sorry, 620; right?

11 A Yeah.

12 Q Okay. So it's your belief that there's
13 approximately 600 or so social security only residents
14 of Van Buren Township who reside in area 1A or 1B?

15 A Yes.

16 Q And that's just based on your sense of
17 things or is that based on a study that you've done?

18 A It's not based on a study. Because you
19 can't get an actual.

20 Q Right. So we're going to before this is
21 over, we're going to mark this as an exhibit and make
22 it -- we'll make copies of it and then put it to the
23 transcript, so everybody has a copy of it. And I
24 asked you -- we started there with what you had done
25 to prepare for the deposition and I think you said

1 you -- that's how we got into your folder. What else
2 did you do to prepare for the deposition?

3 A That's it.

4 Q Did you talk to Ms. Clements or anybody from
5 Mr. Heeb's office?

6 A No. Mr. Beggs, I talked with whenever this
7 was all going that I was going to be annexed. And he
8 did no more than just tell me tell the truth.

9 Q And you said you were going to be annexed,
10 you meant you were going to be deposed?

11 A I'm sorry, yes.

12 Q Okay. So your conversation with Mr. Beggs
13 was there's going to be a deposition and you just need
14 to tell the truth?

15 A Yes.

16 Q Okay. Any other communications with anyone
17 about the deposition, you know, what kind of questions
18 are going to be asked. What to expect? Anything like
19 that?

20 A No.

21 Q You're familiar with the organization of
22 County Residents Against Annexation?

23 A Yes.

24 Q What is your affiliation or involvement with
25 that organization?

1 A My affiliation is nothing more than as a
2 trustee, and as a trustee, I want to know what's going
3 on to tell the residents. As far as anything else,
4 I'm not involved.

5 Q When you say you're a trustee, you mean the
6 township trustee --

7 A Correct.

8 Q -- not a trustee of the organization?

9 A No, no.

10 Q Have you had in the past more involvement
11 with County Residents Against Annexation than just
12 being the Van Buren Township Trustee?

13 A No. That's my -- that's my role.

14 Q Were you a co-founder of the organization?

15 A No.

16 Q You aware of anyone representing to the
17 public that you were a co-founder of the organization?

18 A Not to my knowledge.

19 Q Did you assist the organization in
20 collecting remonstrance petition signatures in the
21 fall of 2021?

22 A No.

23 Q Did your office provide any support or
24 assistance to those opposing annexation during the
25 remonstrance period?

1 A No.

2 Q Did you distribute anti-annexation signs
3 from your township trustee's office?

4 A Only if they come in and ask. I had them in
5 my vehicle.

6 Q You had them in Rita Barrow's personal
7 vehicle --

8 A Correct.

9 Q -- as opposed to Rita Barrow township
10 trustee?

11 A Correct.

12 Q And you kept them in your vehicle, you did
13 not bring them inside to the township trustee's
14 office?

15 A Not that I recall.

16 Q How many employees are there in the township
17 trustee office today?

18 A Eleven.

19 Q How many were there in 2021?

20 A Eleven.

21 Q All right. Are there any employees at the
22 Van Buren Township Trustee's office who to your
23 knowledge live in the annexation area?

24 A Yes.

25 Q Which employees in your -- in the township

1 trustee's office live in one of the annexation areas?

2 A Rachel Combs and her husband, David.

3 Q What is Ms. Combs's role in the township
4 trustee's office?

5 A She is my admin that produces checks to
6 vendors.

7 Q So accounts payable?

8 A Mm-hmm.

9 Q You have to say "yes."

10 A Accounts payable.

11 Q Right. And you have to say "yes" for the
12 record. Sorry.

13 A Yes. Accounts payable.

14 Q And I don't do that to be rude. I'm just
15 trying to make sure that we have a clean copy of this
16 because when somebody a month from now reads it who
17 wasn't here. They've to understand what was said and
18 so if you nod your head or something like that that's
19 open to --

20 A I forget that we're recording, so I will try
21 to do better.

22 Q Yeah. And I'm just trying to let you know
23 I'm not being rude. I'm just trying to make sure it's
24 all a clean transcript.

25 MR. HEEB: And along those same lines

1 make sure he asks his question fully before you
2 respond.

3 MR. MCNEIL: That way he doesn't have
4 to decide who's talking and it's just easier. And
5 I'll try to let you finish your answer before I start
6 my next question.

7 BY MR. MCNEIL:

8 Q You mentioned David Combs too. What's his
9 role with the township trustee's office?

10 A He does not work at the office. That is
11 Rachel's husband.

12 Q Oh, so he's someone who lives in the
13 annexation area?

14 A Yes.

15 Q Have you ever discussed annexation with
16 Ms. Combs?

17 A Yes.

18 Q In what context?

19 A She would ask is there -- is there any news
20 about the annexation or I'm being -- she said I -- was
21 also have to do a deposition. And other than that,
22 no.

23 Q Have you ever asked Ms. Combs to do any work
24 from the township trustee's office for benefit of
25 those opposing annexation?

1 A No.

2 Q Are you -- so, there's two layers to this
3 question that I'm about to ask. One is Rita Barrow
4 personally and one is Rita Barrow township trustee.

5 A Okay.

6 Q And so when you're answering them, please
7 identify which voice you're speaking from. Are you
8 opposed to the annexation? I'll break it down. Are
9 you opposed to the annexation on a personal level?

10 A On a personal level, no.

11 Q Are you opposed to the annexation in your
12 role as a township trustee?

13 A No. Now I'm going to finish this by saying
14 no, I'm not opposed to annexation because I believe
15 the City has a rightful to go ahead and receive some
16 annexation getting them into the City. What I am
17 against is involuntary annexation. No one should be
18 allowed to go in and tell the property owner we're
19 annexing you.

20 This is going to be your tax from now on.
21 These are the rules that you're going to go by from
22 now on.

23 Q So let me ask a more precise question then.
24 Do you Rita Barrow personally oppose the City's
25 attempted annexation of areas 1A and 1B?

1 A Yes, at this time.

2 Q And as the township trustee, you're also
3 opposed?

4 A Yes, at this time.

5 Q Is that based on anything other than the
6 fact that it's involuntary and everything that goes
7 along with being involuntarily annexed?

8 A It goes along with being involuntary
9 annexation.

10 Q Right. So and you understand --

11 A Both sides. As personal and as trustee.

12 Q And you understand that the statutory
13 framework of annexation in the state of Indiana allows
14 for involuntary annexation as well as a remonstrance
15 opportunity against involuntary annexation?

16 MR. HEEB: Object to the form.

17 You can go ahead and answer.

18 BY MR. MCNEIL:

19 Q So every once in a while, he'll object, and
20 that's for the judge to consider later, if necessary.
21 But since there's no judge here in the room to rule on
22 that objection, you still need it answer, so --

23 A Okay. Would you ask it again, please?

24 Q Yes. Do you understand that the statutory
25 framework in Indiana for annexation allows for the

1 municipality to involuntarily annex an area, but also
2 affords the land owners and residents in that area to
3 attempt to remonstrate against the annexations?

4 MR. HEEB: Same objection.

5 You can go ahead and answer.

6 THE WITNESS: Yes, I understand that.

7 BY MR. MCNEIL:

8 Q Okay. Philosophically, though you're -- it
9 sounds like you have an objection to the concept of
10 involuntary annexation?

11 A Exactly.

12 Q In your role as the Van Buren Township
13 Trustee that's an elected position; correct?

14 A Yes.

15 Q How long have you been in that role?

16 A I was appointed in January of 2010, elected
17 in 2011, and so I have been in this role going on 14
18 years.

19 Q Is that your full-time job?

20 A Yes.

21 Q What did you do for work before you were a
22 township trustee?

23 A I was retired.

24 Q Where did you retire from?

25 A Thompson Consumer Electronics in

1 Indianapolis.

2 Q You worked at the Indianapolis location?

3 A I worked at Bloomington, Juarez, and
4 Indianapolis.

5 Q What did you do there at Thompson?

6 A I was supply chain.

7 Q How many years did you work at Thompson all
8 offices combined?

9 A Twenty-nine years.

10 Q Which Thompson location was your last
11 Thompson location?

12 A Headquarters -- on I think it's 106th
13 Street.

14 Q In Indianapolis?

15 A Mm-hmm.

16 Q It's now the St. Vincent Ascension
17 headquarters or at least some operational building.

18 A Yes.

19 Q It's still considered one of the ugliest
20 buildings in Indianapolis.

21 A It is.

22 MR. HEEB: I feel like I should object
23 to the form of that question, but I don't have a dog
24 in that fight.

25 //

1 BY MR. MCNEIL:

2 Q What is your -- so do you live in Van Buren
3 Township?

4 A Yes.

5 Q Do you live in one of the annexation areas?

6 A No.

7 Q Did you sign a remonstrance petition?

8 A No.

9 Q Where is the trustee's -- what is the
10 address of the trustee's office?

11 A 2123 South Kirby Road.

12 Q Is that in one of the annexation areas?

13 A No.

14 Q Are the duties of the township trustee
15 established by statute?

16 A Yes.

17 Q And you're familiar with that statute?

18 A Oh, absolutely.

19 Q And if I said Indiana Code 36-4-3, does that
20 sound familiar?

21 A Do you realize how many codes there are?

22 Q But this one is the township trustee's
23 duties?

24 A Yes.

25 Q You've read that before?

1 A Yes.

2 Q Okay. Is it one of your duties to manage
3 all the township property interests?

4 A For the township? Yes.

5 Q What property interest does the township
6 possess?

7 A What insurance?

8 Q Interests?

9 A Interest. None.

10 Q Do you currently have any property
11 management responsibilities as the township trustee?

12 A Yes.

13 Q What property management responsibilities do
14 you have?

15 A I have -- well that was prior. I did have
16 the Van Buren Fire Department on Kirby Road along with
17 station 39. Now it's station 29 and 39 that is in
18 Stanford. And then the office now that I'm at is 2123
19 the other one was 2130.

20 Q Does the township trustee own the real
21 estate where the office is located or does it rent?

22 A Yes.

23 Q Okay. And the -- when you -- when did you
24 no longer -- stop having property management
25 responsibility for the Van Buren Fire Department

1 property?

2 A December 2020.

3 Q Is that because effective January 2021 the
4 Monroe Fire Protection District took over the fire
5 service for Van Buren Township?

6 A Yes. And that was to save my firefighters.

7 Q What does that mean?

8 A When annexation began, I spoke with the
9 mayor and then I spoke with the fire chief, and from
10 my understanding, the fire chief told me that the
11 firefighters that had been there since 1972 as far as
12 beginning in 72, they would be allowed to drive road
13 trucks, dump trucks, trash trucks, but they would not
14 be allowed because they didn't have their
15 certifications.

16 My quote to him was they've more
17 certifications than you did and I can prove every one
18 of them because that was part of my role was to make
19 sure that they followed the rules from fire.

20 Q You said this conversation occurred when
21 annexation first started?

22 A In 2017, okay.

23 Q Are you familiar with the law that changed
24 in 2019 with respect to fire services in annexation
25 areas?

1 A Yes.

2 Q What is your understanding of that law?

3 A The understanding is my -- well, is that the
4 fire district will not become a part of the annexation
5 area. They will continue to run as a district.

6 Q So the Van Buren Township's current fire
7 protection is provided by the Monroe Fire Protection
8 District; correct?

9 A They're a part of the Monroe Fire Protection
10 District.

11 Q And what is your understanding of the
12 current coverage of the fire district? Like what area
13 of Monroe County does it cover?

14 A All the outstanding townships except for
15 Washington, who's getting ready to go in. Bean
16 Blossom and Richland.

17 Q So the fire protection district covers Van
18 Buren Township?

19 A Van Buren Township.

20 Q Bloomington Township?

21 A Bloomington Township.

22 Q Perry?

23 A Perry.

24 Q Clear Creek, Indian Creek?

25 A Yes.

1 Q And Benton; correct?

2 A And Benton and Salt and Polk and contracted
3 with them.

4 Q And Washington is currently contracted with
5 them, but about to become part of the district?

6 A That is correct.

7 Q And then you know the fire provider for
8 Richland Township?

9 A The -- you mean the fire chief?

10 Q What entity is the fire provider for
11 Richland Township?

12 A I don't understand.

13 Q Well, you -- I think you said Richland was
14 not part of the fire protection district.

15 A That's right. The township and the town pay
16 for their own.

17 Q The town of Ellettsville?

18 A Yes.

19 Q And that's what I was asking if you
20 understood who provided that service?

21 A Okay.

22 Q Where is the headquarters for the fire
23 protection district?

24 A On Kennedy Drive.

25 Q Is that in one of the annexation areas?

1 A I'm not sure.

2 Q But you understand that if the annexation
3 occurred the fire protection district will continue to
4 be the fire provider for the Van Buren Township
5 residents in areas 1A and 1B?

6 A Correct.

7 Q And that's -- you understand that's a
8 function of this 2019 law?

9 A Yes.

10 Q As it pertains to fire protection districts
11 in annexation areas?

12 A Yes.

13 Q Do you know if the Monroe Fire Protection
14 District fire property tax rate is higher than the tax
15 rate for the Bloomington Fire Department?

16 A I don't, no.

17 Q Would you be surprised to learn that the
18 fire rate inside the city is lower -- tax rate is
19 lower than the fire tax rate in the fire protection
20 district?

21 MR. HEEB: Object to the form.

22 You can answer.

23 THE WITNESS: Yes, because they receive
24 all the public safety, local income tax.

25 //

1 BY MR. MCNEIL:

2 Q Who's they?

3 A The City.

4 Q So you're saying "yes" you would surprised
5 or "yes" the City's lower because they receive the
6 public safety income tax?

7 A Yes, the City's is lower because they
8 receive the public safety local income tax.

9 Q But the -- it's your understanding that if
10 the annexation of 1A and 1B by the City is successful,
11 it will not impact the fire provider for Van Buren
12 Township?

13 A Yes, I understand that, but I also
14 understand that the -- with the minimal amount of
15 police that they've to come out that far and with the
16 continuing of addressing new police to come in, that's
17 going to take another two years to get them settled.

18 Q What does that have to do with fire
19 protection?

20 A Nothing to do with fire protection. This is
21 what I think. On my notes, it was the police --

22 Q Right.

23 A -- and right now the time going from the
24 City to where the township is currently or any of the
25 subdivisions that's going to take a while.

1 Q Remember at the beginning of the deposition
2 whether I talked about ground rules and said that your
3 job was to answer my questions as completely and as
4 truthfully as you could?

5 A Yes.

6 Q Okay. So I have not asked you about the
7 police yet.

8 A Okay.

9 Q But I'm going to ask you now about crime
10 statistics and Van Buren Township, are you familiar
11 with those?

12 A No.

13 Q Are you -- is it your testimony that the
14 areas of Van Buren Township that are in annexation
15 areas 1A and 1B are high crime-ridden dangerous
16 neighborhoods?

17 A No.

18 Q They're safe neighborhoods; aren't they?

19 A Except for Walmart.

20 Q Right.

21 A And Walmart is in that area.

22 Q Right. And you understand that the
23 sheriff's department currently provides --

24 A Yes.

25 Q Run response to Walmart?

1 A Yes.

2 Q Are you familiar with the way in which
3 Walmart handles shoplifting matters -- I'm sorry. Let
4 me rephrase that. Are you familiar with how the
5 county sheriff interacts with Walmart on property
6 loss, shoplifting claims?

7 A No.

8 MR. HEEB: Objection to form.

9 You can answer.

10 BY MR. MCNEIL:

11 Q Have you ever heard anyone say that the City
12 Police Department will handle Walmart calls the same
13 way the county does?

14 A No.

15 Q And are you familiar with or understand how
16 the county sheriff handles any calls to Walmart?

17 A No.

18 Q Do you know if Walmart has their own
19 security?

20 A No.

21 Q No, they don't or no, you don't know?

22 A No, I don't know.

23 Q Do you have as a township trustee do you
24 ever get information on police response time from or
25 sheriff response time from the county sheriff?

1 A No.

2 Q You ever ask for that information?

3 A No.

4 Q Another -- going back to the duties of the
5 township trustee, the statute includes the
6 responsibility to keep township records open for
7 public inspection. You understand that?

8 A Yes.

9 Q What township records generally are there
10 that are open to public inspection?

11 A Any of my notes. Any of my budgets. Any of
12 my annual reports. Any resolutions that the board
13 approves. Any additional appropriations that we
14 encounter or request. Any township assistance that
15 has been denied I go to court explaining why.

16 Q That's a pretty good summary as far as you
17 can tell sitting here right now?

18 A Yes.

19 Q Okay. Would your ability to continue making
20 those records open for public inspection be impacted
21 in any way if the annexation goes through?

22 A No.

23 Q You -- another statutory responsibility is
24 to attend all meetings of the township legislative
25 body; is that right?

1 A Yes.

2 Q What is the township legislative body?

3 A That's my board members and I have three.

4 Q Who are they?

5 A John Wilson, Will Smith, and Theresa Oatman.

6 Q What are the requirements for -- to sit on
7 the board of the township trustee board?

8 A It's an elected position.

9 Q Is there a residency requirement?

10 A Yes, they must be in Van Buren.

11 Q Are any of the three board members -- do any
12 of the three board members currently reside in area of
13 1A or 1B?

14 A Yes.

15 Q Which one?

16 A 1A Will Smith -- William Smith.

17 Q If the annexation goes through, do you have
18 any understanding of how that would affect his
19 eligibility to sit on your board?

20 A No. It should not affect anything.

21 Q Because he's still in the township; right?

22 A He's still in the township.

23 Q How often does the board meet?

24 A Every Wednesday -- third Wednesday of the
25 month.

1 Q Is there anything about the board meeting
2 schedule or composition that would be impacted by the
3 annexation if it were successful?

4 A No, not to my knowledge.

5 Q Okay. Another statutory function of the
6 township trustee is to receive and pay out township
7 funds; correct?

8 A Correct.

9 Q What are the sources of funds that pay into
10 the township?

11 A The local income tax, the tax as far as
12 general. FIT, which is the Financial Institution
13 Tax. The CVET, which is the county vehicle excise
14 tax. I'm trying to think. Any excess levy goes into
15 it. I believe that might be all.

16 Q What payment obligations does the township
17 trustee have with respect to those funds? In other
18 words, what are those funds used for?

19 A Whatever the law allows us to use them for.
20 It usually all goes into general, except whenever it's
21 divided out and the county auditor will distinguish
22 whether it goes into each of the items that you --
23 that I said earlier. Those are all recorded under one
24 and our accounting goes into it this.

25 Q What is your understanding, if any,

1 concerning the financial impact if the annexation goes
2 through on the township's funds?

3 A It could be considerable, 51,000 was what I
4 believe Reed -- if I can remember correctly. Hang on.

5 Q And just for the record, you've opened your
6 folder and you're looking at that top document. Thee
7 third page with the comparison of the Baker Tilly and
8 Reedy Financial data.

9 A Yes. From the Reedy, it's \$51,601. From
10 Baker Tilly, it was 31,408.

11 Q Is that in the first year?

12 A The first year was --

13 Q Or is that total?

14 A That's total on both.

15 Q When you say on both, what do you mean?

16 A One from Baker Tilly, which is 31,408 and
17 that's in year two and Reedy was \$51,601 and that was
18 in year two.

19 Q Do you understand that that data -- those
20 data were prepared in 2021?

21 A Oh, yes, I do understand that. Because most
22 of the residents that received anything stating that
23 they were going to be annexed moved and the ones that
24 moved in didn't have a clue, because they weren't
25 notified because it didn't say whenever they received

1 the Certified Mail stating that they were going to be
2 annexed. It didn't say or current resident.

3 Q Okay. Let me understand that. Are you
4 saying that a majority of the Van Buren Township land
5 owners in areas 1A and 1B have moved since 2021?

6 A I'm not going to say the majority because I
7 would not have a clue whose moved.

8 Q Okay. So what are you saying about -- what
9 do mean -- what are you communicating in this
10 deposition about the changeover in ownership of real
11 estate in Van Buren Township as it pertains to the
12 annexation?

13 A From individuals that have reached out to me
14 asking me what is annexation? What is this going to
15 do to my taxes? And again, we go through the process.
16 We use the report that was received from Mr. Rouker by
17 Van Buren. I show them, but those were all based on
18 the 2020 assessed value. It is now 2024, and you know
19 as well as I know, how much the assessed value has
20 gone up.

21 Q Right. The assessed value has gone up and
22 so, therefore the revenue received by Van Buren
23 Township has also gone up; correct?

24 A It could. It could very well go up.

25 Q From 2020 to 2024 has the Van Buren Township

1 Trustee's revenue receipts increased year over year?

2 A I can't say that. I can't say that and I'll
3 give you a good example because you have to take in
4 consideration that when the fire department had left
5 that dropped.

6 Q What's the current balance of your rainy-day
7 funds?

8 A Right now, it's over 2 million, and the
9 reason being, we have in the process a new township
10 office as well as a community building for Van Buren.

11 Q What's in the last four years, what was the
12 largest balance in your rainy-day fund?

13 A I would have to look back and see.

14 Q Do you have an estimate?

15 A An estimate? A guestimate, I'm going to say
16 maybe 3 million.

17 Q What is the purpose of the rainy-day fund?

18 A The rainy-day fund is used for capital or if
19 needed for township assistance or if we have a --
20 let's say, we have a tornado go through, I try to help
21 as much as what I can to get the residents to a safe
22 area or to help them in any way that I can as far as
23 maybe replacing a window or maybe replacing a door.
24 And that's all based on their application.

25 Q When the fire department at the end of 2020

1 transitioned to the beginning of 2021 to the Monroe
2 Fire Protection District, did your expenses as a
3 township trustee go down?

4 A Yes.

5 Q Do you get regular financial reports like
6 income statements and cash flow statements and things
7 like that?

8 A From whom?

9 Q Just -- I mean --

10 A Are you talking township or --

11 Q Yes.

12 A For just township?

13 Q Yes.

14 A Yes. I -- I have those in the software
15 package.

16 Q Right. And so you get, you're familiar with
17 the net income from the township operations; correct?

18 A Yes.

19 Q Has the net income from the township
20 operations increased year over year from 2020 to 2024?

21 A No.

22 Q Does it go up some years and down some
23 years?

24 A Mm-hmm. Depending on COVID. When everyone
25 would receive the stimulus package or -- it just

1 depends.

2 Q Right. What do you do as the township
3 trustee, if you have net income at the end of the year
4 what happens to that?

5 A It stays.

6 Q It stays in the general or rainy-day fund?

7 A It stays in every fund. And I have three
8 primary funds.

9 Q What are your three primary funds?

10 A General, township assistance, and
11 recreation.

12 Q So township assistance is another statutory
13 function of a township trustee; correct?

14 A Yes.

15 Q It used to be known as poor relief?

16 A Correct.

17 Q So that's -- it's the same thing; right?

18 Just --

19 A Yep.

20 Q What does township assistance include?

21 A Burials, physicians --

22 Q Say that again?

23 A Physicians.

24 Q Physicians.

25 A Could be dental. It could be food. It

1 could be school supplies that are needed, rents,
2 utilities. I'm thinking. Community services and
3 that's when someone has something that they can't
4 afford to replace and it's detrimental to their home
5 and their utilities.

6 Q And there might be others, but that's what
7 comes to mind right now?

8 A Mm-hmm.

9 Q Yes.

10 A Yes.

11 Q And the process for receiving township
12 assistance is an application process?

13 A Yes.

14 Q How much did Van Buren Township payout in
15 township assistance in 2023 just as a rough? Do you
16 have that in one of your documents?

17 A That's one of the documents. In 2023?

18 Q Yes.

19 A There's all my things, \$124,184.85.

20 Q And just for the record, you're looking at
21 the second page of the first document in the folder
22 that you have in front of you.

23 A Yes.

24 Q Do you have any understanding of whether
25 township assistance services provided by your office

1 would be impacted if the annexation of 1A and 1B goes
2 through?

3 A Other than losing the 51,000? I would
4 assume not. Because I would still find a way to
5 service my residents.

6 Q Right. And so when you say losing 51,000
7 that's based on --

8 A Reedy.

9 Q Reedy's analysis?

10 A Yes.

11 Q But its -- so if you were to gain as the
12 real estate in the township increases in assessed
13 value your collections increase as well.

14 A Correct.

15 Q Okay.

16 A No. If -- if individuals build, okay,
17 you're adding more people, so it would go down.

18 Q You think by --

19 A My rate would go down -- my levy would go
20 down.

21 Q Because your budget is based -- so if
22 more -- so if there's a new subdivision in Van Buren
23 Township, your levy would go down?

24 A Yes.

25 Q But the assessed value -- you're getting --

1 you're applying a lower levy against a higher assessed
2 value?

3 A Correct.

4 Q So depending on how those numbers work out,
5 you could end up receiving more total revenue because
6 of the increase in assessed value, even though the
7 levy has gone down.

8 A Yes.

9 Q So if the assessed value has increased
10 enough, it's conceivable, do you agree that you could
11 net more than the \$51,000 loss identified by Reedy?

12 MR. HEEB: I'm just going to object to
13 the form.

14 You can go ahead and answer.

15 THE WITNESS: I would say, yes.

16 BY MR. MCNEIL:

17 Q One of the other duties in the statute is as
18 a fence viewer. What is a fence viewer?

19 A If two property owners -- okay, one of them
20 has cattle the other one does not. The individual
21 that has cattle wants to put up a fence line. The one
22 on the other side doesn't particularly care to have
23 one, but if the one that has cattle deems that he
24 wants the property owner on the other side of him to
25 pay for half of it then there is a dispute.

1 And what I do then is go out stand them both
2 in the middle of the properties and say to the right
3 is yours to the left is his. And that's the way it's
4 done.

5 Q How many times a year do you get called upon
6 to perform fence viewing duties as the township
7 trustee?

8 A I would say maybe once or twice and -- and I
9 will say this, this is out further away. You're
10 talking agricultural area.

11 Q Right. Because the areas the Van Buren
12 Township areas in 1A and 1B are more developed; right?

13 A Correct.

14 Q More residential or commercial?

15 A Correct.

16 Q And more urbanized?

17 A Yes.

18 Q So if the area 1A and 1B were annexed would
19 that have any impact on your fence viewing?

20 A Wait. I'm sorry. Yes, it could. If an
21 individual was in an addition, and he put up a fence
22 okay, and the guy next to him decided I don't want
23 that fence there, as long as it's on his
24 property -- again, we'll go out yes, this is your
25 property line.

1 It has to be like 12 inches up the property
2 line in general or both of them agree. The best way
3 that I can do it is to get your land evaluated and go
4 from there.

5 Q So would you say that the fence viewing
6 responsibility is probably the smallest part of
7 your --

8 A Smallest part. I do cemeteries too.

9 Q I was going to ask you, so what are your
10 responsibilities for the cemetery -- to maintain
11 cemeteries?

12 A To keep them maintained. My current --
13 there are seven cemeteries that are within Van Buren
14 Township. Two of them are owned by Van Buren with the
15 third possibly coming on in 2024 or 2025. I maintain
16 those and maintain those means I mow them. If stones
17 are broken, I reconstruct them or have individuals to
18 reconstruct them.

19 I put up fences, so people cannot go --
20 because they are in the rural areas, so people can't
21 drive through the cemetery with -- where it is
22 enclosed with vaults or whatever -- the stones. The
23 people that are buried there.

24 Q Are any of the seven cemeteries in Van Buren
25 Township located in area 1A or 1B?

1 A There is one, but I don't know if that area
2 is getting annexed. That's on the other side.
3 There's one on the airport. There is -- no. I'm
4 going to say no.

5 Q Does the township have parks or community
6 centers?

7 A We don't own it, no.

8 Q Do you maintain any?

9 A No.

10 Q You mentioned a capital project when we were
11 talking about the rainy-day fund, is there a currently
12 a community center planned or under construction?

13 A It is almost completed.

14 Q Where is it located?

15 A On 48th on Fieldstone Boulevard.

16 Q That inside or outside the annexation area?

17 A Inside.

18 Q 1A or 1B?

19 A 1A.

20 Q Do you know if the annexation goes forward,
21 do you have any understanding of how that impacts this
22 community center?

23 A It shouldn't. I had to sign a waiver.

24 Q A waiver for what?

25 A Against annexation.

1 Q To get utility service out there?

2 A Correct.

3 Q When did you sign that?

4 A Which time?

5 Q Well, so we're talking about this -- the
6 community center on 48th?

7 A Okay.

8 Q How many waivers did you sign for that?

9 A Two.

10 Q When did you see the first one?

11 A November -- no, October 31st?

12 Q Of what year?

13 A 23.

14 Q When did you sign the second one?

15 A A week later.

16 Q Do you have any understanding why you signed
17 two?

18 A Yes.

19 Q What's your understanding?

20 A Because when it was notarized the dates were
21 incorrect. Not from me from the notary.

22 Q So you signed a new one and got it properly
23 notarized?

24 A Yes.

25 Q Has that waiver been recorded to your

1 knowledge?

2 A Yes.

3 Q Did you work with someone at the City or
4 city utilities on that waiver?

5 A No. Other than her notarizing. That's --
6 that's all.

7 Q Do you know who notarized it?

8 A No.

9 Q Somebody in the City offices?

10 A Yes.

11 Q Another township trustee's responsibility is
12 to destroy detrimental plants, noxious weeds, and rank
13 vegetation.

14 A Yes.

15 Q Is that a big part of your job?

16 A Not my job, but it's one of the individuals,
17 yes, and that's ongoing through from spring until
18 fall.

19 Q Does the -- are detrimental plants to your
20 understanding defined by statute?

21 A Yes.

22 Q Does the definition of detrimental plants
23 include as a category noxious weeds and rank
24 vegetation?

25 A Yes.

1 Q Is there any defined group of plants that
2 constitute noxious weeds and rank vegetation?

3 A Yes, but I don't -- couldn't tell you
4 exactly what they are.

5 Q If you needed to find a list where would you
6 look?

7 A Go to the township manual and it will list
8 it.

9 Q Are you familiar with whether or not the
10 City of Bloomington has their own list of detrimental
11 plants, noxious weeds, and rank vegetation?

12 A No.

13 Q If the annexation goes forward would your
14 responsibility for addressing detrimental plants,
15 noxious weeds, and rank vegetation be impacted at all?

16 A No.

17 Q Another statutory duty of the trustee is to
18 provide insulin to the poor?

19 A Yes.

20 Q What does that involve?

21 A If we have an individual that is diabetic
22 and they are unable financially to provide insulin, I
23 provide it.

24 Q Is there an application process for that?

25 A There is an application.

1 Q If the annexation goes forward does that
2 impact your insulin provision services at all?

3 A No. It should not.

4 MR. MCNEIL: It's been about a little
5 over an hour that we've been on the record. I have
6 got a little bit more, but I think it would probably
7 make sense to take like a five or ten-minute break
8 before we switch into different topics. So we'll go
9 off the record now.

10 THE REPORTER: Off the record at 11:47
11 a.m.

12 (Off the record.)

13 THE REPORTER: We're now back on the
14 record at 12:03 p.m.

15 BY MR. MCNEIL:

16 Q Ms. Barrow, we're back on the record after a
17 break, do you understand that you're still under oath?

18 A Yes.

19 Q I'm going to give you some documents I want
20 to take a look at. So this would be Exhibit 61, I
21 believe.

22 MR. UNGER: 62.

23 MR. MCNEIL: 62.

24 THE WITNESS: Thank you.

25 //

1 BY MR. MCNEIL:

2 Q Ms. Barrow, do you have Exhibit 62 in front
3 of you?

4 (Exhibit 62 was marked for
5 identification.)

6 A Yes.

7 Q And this is a report from the State Board of
8 Accounts.

9 A Yes.

10 Q It's the Financial Statements Audit Report
11 from Van Buren Township.

12 A Yes.

13 Q January 1, 2014, through December 31, 2017;
14 correct?

15 A Correct.

16 Q If you look on that first page at the title
17 page.

18 A Yes.

19 Q How often does the State Board of Accounts
20 audit the township trustee's office?

21 A Usually every four to five years.

22 Q What is your role personally in the audit
23 and how involved are you in that process?

24 A Very involved.

25 Q And what does that include?

1 A I must provide all documents that they
2 request whether it be the vendors that I paid, the
3 payroll reports that were done, annual reports being
4 on time, continuous.

5 Q Okay. So if you noticed in the bottom
6 corner there's some page numbers there. It says
7 Bloomington underscore and then some series of
8 numbers. I'm going to ask you to turn to the pages
9 ending 286. So it's going to be a financial schedule
10 that looks like this.

11 A Okay. 286?

12 Q Yes.

13 A Got it.

14 Q So if you take a moment to look at that
15 page, I'm not asking you for the numbers that we can
16 all see, but just generally what is the information
17 shown on this page? What does it mean or what are
18 these columns I should put it that way?

19 A Well, the first column is the township
20 office. The second column was Van Buren's Fire with
21 the EMS. The third was the recreation fund.

22 Q And what does that mean like when it says
23 township, what does that represent?

24 A Township general. Anything that goes within
25 the township general. An example would be payroll for

1 the trustee, for the board, and for any accounts
2 payable individual. It would be for utilities,
3 insurance on the buildings on the construction so
4 forth, and so on. Okay. And it goes all the way down
5 through.

6 Q All right. So the -- you said the emergency
7 medical was for the fire -- is that the EMT?

8 A EMS.

9 Q EMS.

10 A Mm-hmm.

11 Q And then there's a separate firefighting
12 fund?

13 A Correct.

14 Q Is that for the firefighting operations
15 themselves?

16 A Yes.

17 Q And then the rainy-day fund is listed in its
18 own column; correct?

19 A Correct.

20 Q And if you turn over a page to page ending
21 in 287, the first six columns are additional funds;
22 correct?

23 A Yes.

24 Q The Koonz Cemetery donation fund and the
25 Harmony Cemetery are those the two cemeteries that the

1 township trustee owns or maintains?

2 A We own.

3 Q Okay. You mentioned the seven cemeteries in
4 Van Buren Township?

5 A Yes.

6 Q So the other five are ones you do not own,
7 but you do maintain them?

8 A We provide a fund for them if possible --
9 if -- they have to give us so much documents for the
10 audits that we have to make sure that they are in
11 need.

12 Q And then the looking page 287, the very last
13 column on the right. It's the totals column.

14 A Correct.

15 Q Do I understand that to be the total of all
16 the columns to the left?

17 A Yes.

18 Q For the various categories -- the various
19 rows of data that are included in the table?

20 A Yes.

21 Q So the cash on hand at the beginning of 2017
22 would have been \$3.3 million and at the end of 2017,
23 it's just a little bit over \$4 million?

24 A Correct.

25 Q All right. Now here's another document that

1 would be Exhibit 62.

2 MR. UNGER: 63.

3 BY MR. MCNEIL:

4 Q Sorry, 63.

5 (Exhibit 63 was marked for
6 identification.)

7 Ms. Barrow, do you have Exhibit 63 in front
8 of you?

9 A Yes.

10 Q It's a letter to the officials of the Van
11 Buren Township Trustee Monroe County, Indiana, dated
12 May 15, 2023, from the state of Indiana; correct?

13 A Yes.

14 Q And for present purposes, I just want to
15 look at page ending 262.

16 A Okay.

17 Q On this page, we see what's called a
18 "Schedule of cash and investment balances on a
19 regulatory basis as of December 31, 2022;" correct?

20 A Correct.

21 Q And so under the heading fund there are
22 several entries Township Recreation Fund, et cetera.

23 A Correct.

24 Q I noticed that the EMS fund and the
25 firefighting fund are removed; correct?

1 A Correct

2 Q The total amount of cash on hand as of the
3 end of December of 2022 is \$5.1 million; correct?

4 A Correct.

5 Q How close is the balance today?

6 A 4.2.

7 Q 4.2?

8 A Mm-hmm.

9 Q Now you mentioned COVID earlier, but at the
10 end of 2017, you had total cash on hand of \$4 million,
11 and in February -- I'm sorry, in December of 2022, you
12 had \$5 million. So is it fair to say that the amount
13 of cash on hand grew by 25 percent over the five years
14 including the COVID period?

15 A Yes.

16 Q Why is the township -- well let me ask it
17 this way. How much cash reserves does the township
18 trustee need?

19 A Our budgets starts in June when we start our
20 budgets, okay? Over in December, we do not get
21 anything from January until May for any tax allotment,
22 so from January to May, end of May or whenever the
23 auditor distributes those. We have to keep that
24 balance going. I mean we still have bills. We still
25 have assistance we're paying for, so the cash on hand

1 takes us through that first six months.

2 Q So how often-- you get payment roughly
3 speaking from the auditor twice a year?

4 A Yes.

5 Q Roughly May and November?

6 A Yes.

7 Q Corresponding to when the property taxes are
8 due?

9 A Yes.

10 Q So you get a payment in November that has to
11 carry you through until the payment in May?

12 A Correct.

13 Q All right. But the cash on hand increased
14 from 4 million to 5 million from 2017 to 2022. Is
15 there a -- are there amounts within either the 5
16 million at the end of 2022 or the 4.2 million today
17 that are reserved against certain liabilities or are
18 these generally available funds cash unrestricted?

19 A No. They -- whatever fund name they're in
20 that's where they have to stay unless we request a
21 transfer from a fund to a fund.

22 Q Right. But the -- so let's say, for
23 example, you have a liability that you know is going
24 to come due in 60 days, do you have to set a reserve
25 in your general fund for example so that you know

1 you'll have the money for that liability 60 days from
2 now when it comes due?

3 A Yes.

4 Q Is there an amount specifically of that \$4.2
5 million that's tied to a known claim for which there
6 is a reserve?

7 A Yes.

8 Q How much?

9 A That's the \$2.1 million for the township
10 office and the community building.

11 Q So the other 2.1 million currently in the
12 fund is specific to whichever fund it's in?

13 A Correct.

14 Q Okay. Have you ever had to borrow money as
15 the township to cover the float between tax payments?

16 A I'm thinking about this. We imposed a tax
17 when we bought fire engines, okay? So we had a debt
18 there, but as far as transferring to and from, no.
19 Not that I --

20 Q Are you familiar -- I'm sorry. I didn't
21 mean to cut off there.

22 A No. Not that I can recall.

23 Q Are you familiar with the thing known as the
24 tax anticipation warrant?

25 A No.

1 Q So you've never had to use one?

2 A No.

3 Q You familiar with a report known as the
4 Kernan-Shephard Report?

5 A Yes.

6 Q What is your understanding of what that
7 report is?

8 A They would like to do away with trustees.

9 Q Was it -- do you understand that report was
10 published before you were in the trustee role?

11 A Yes.

12 Q Have you ever read it?

13 A Not completely, no.

14 Q You read the recommendations on abolishing
15 township government?

16 A Yes.

17 Q You understand that that recommendation to
18 eliminate township government was a bipartisan
19 recommendation?

20 A No, I didn't.

21 Q Do you agree with that recommendation?

22 A No.

23 Q What do you see as the benefit of township
24 government?

25 A The best that I can describe to is a -- is

1 if a resident of Van Buren comes into the office and
2 says my electricity has been shot off and I'm going to
3 get an eviction notice in two days. Can you help me?
4 Tell me where else you would go to be able to turn
5 around the assistance for that individual within 24
6 hours.

7 If we have 72, but we usual with something
8 like this on the average, I can turn them around in
9 less than 24 hours.

10 Q So do I understand you to be saying and
11 please correct me if I'm wrong or incomplete, that
12 your ability to provide township assistance is what
13 you perceive to be the primary benefit of township
14 government?

15 A Absolutely.

16 Q All right. This will be 64.

17 (Exhibit 64 was marked for
18 identification.)

19 Ms. Barrow, you have Exhibit 64 in front of
20 you.

21 A Yes.

22 Q It's a memo. Memorandum for the record to
23 the Bloomington City Common Council and Mayor John
24 Hamilton from County Residents Against Annexation
25 dated August 3, 2021, do you see that?

1 A Yes.

2 Q Have you ever seen this before? And I'm
3 going to -- let me withdraw that question. I would
4 like for you to please read this document. It's just
5 roughly a page to yourself and let me know when you're
6 finished and then I'll ask you questions about it.

7 A Okay. I'm finished.

8 Q So the last paragraph on the first page --
9 first have you seen this document before today?

10 A No.

11 Q Were you present at the city council meeting
12 in August -- I believe it was August 4th, whatever the
13 first day of school was in 2021?

14 A No, I did not go.

15 Q Okay. Did you watch it online?

16 A Yes.

17 Q Do you know if Margaret Clements spoke at
18 that meeting -- made a presentation or made comments
19 to the city council?

20 A I believe so, but I'm not positive. It's
21 been too long ago.

22 Q Sure. The last paragraph on the first page
23 identifies the co-founders of County Residents Against
24 Annexation as yourself, Margaret Clements, and Colby
25 Wicker, do you see that?

1 A Yeah.

2 Q Who's Colby Wicker?

3 A He is one of my individuals. He's an intern
4 that I have.

5 Q At your office?

6 A Mm-hmm.

7 Q You have to say "yes."

8 A Yes.

9 Q He's currently an intern?

10 A Yes -- no. Right now he is going to law
11 school.

12 Q So he was an intern in the past?

13 A Correct.

14 Q And this was in -- was he an intern in 2021?

15 A Yes.

16 Q I asked you earlier if you were a co-founder
17 of county residents. Does this refresh your
18 recollection about that or is this just wrong?

19 A I don't remember being a co-founder, okay?
20 Because in an elected position I could not do that.

21 Q Why not? What's your understanding as to
22 why not?

23 A The why not because there are people that do
24 want it, people that don't want and I can't take a
25 side. And I'm not being annexed. I will say this

1 that, yes, I have been very well involved with
2 annexation whenever it began in 2017. Again, I'm
3 going to say I am not against annexation. I am
4 against involuntary annexation and this -- I was never
5 a board member, although I did go to a few of the
6 meetings. Simply because to keep our residents
7 updated for CRAA.

8 Q Why did you want to keep your residents
9 updated for -- oh, residents in the community. I got
10 you.

11 A Yes.

12 Q Yes. So what did Colby Wicker do when he
13 was in an intern in your office?

14 A He helped me with day-to-day township
15 trustee.

16 Q Was he a paid intern?

17 A Yes.

18 Q Was he in school --

19 A Yes.

20 Q -- in college at the time?

21 A Yes.

22 Q I'm not texting, I'm looking something up
23 that pertains to the questions I'm asking you. That's
24 why I'm on my phone. You understood -- you said
25 you're not against annexation generally, but you

1 would -- you are opposed to involuntary annexation?

2 A That is correct.

3 Q What as an intern -- what were Colby
4 Wicker's responsibilities when he was in your office?

5 A Helping with township assistance, helping
6 with COVID -- that people needed different things. He
7 would -- back up an everyone that's in the office,
8 you know, he couldn't do the accounts payable, but he
9 could go in and say, you know, okay, we got the mail.
10 He would only work maybe 15 hours a week at the most
11 at that time.

12 Q Did during that time when he was at your
13 office, did the two of you discuss Bloomington's
14 involuntary annexation plans?

15 A I will say off and on, yes, and the reason
16 I'm saying that is because calls would come in asking
17 about it and he would come in and say to me, "Rita, do
18 you understand or do you know anything" -- no.

19 Q Did you ever have any meetings at the
20 township trustee office with Margaret Clements
21 concerning annexation?

22 A No.

23 Q And by that question, I mean whether as a
24 one-on-one meeting or meeting with the two of you and
25 others? You had no meetings about annexation in

1 Bloomington annexation?

2 A We had meetings, yes. Like I said, I went
3 to the CRAA meetings --

4 Q Right. My question is specific to meetings
5 at the township trustee's office?

6 A No. And I'm going to say this not to my
7 recollection. I -- I can't recall any.

8 Q Did you ever have a meeting here at city
9 hall with Mayor Hamilton and other township trustees?

10 A Yes.

11 Q And specifically about annexation?

12 A Correct. Thank you.

13 Q Ms. Barrow, you have Exhibit 65 in front of
14 you, which is a printout of a calendar appointment
15 where the subject is "Trustee's Re: Annexation In
16 Person," do you see that?

17 (Exhibit 65 was marked for
18 identification.)

19 A Yes.

20 Q The date is June 9, 2021? Do you see that?

21 A Yes.

22 Q It shows here that there are names Kim
23 Alexander, Bloomington Township; Rita Barrow of Van
24 Buren Township; Marty Stephens, Richland Township, and
25 Dan Combs, Perry Township. Do you see that?

1 A Yes.

2 Q Were all four of those people at the
3 meeting?

4 A Yes.

5 Q Who from the City in addition to Mayor John
6 Hamilton attended?

7 A Carmichael, is that her name?

8 Q Mary-Catherine Carmichael?

9 A Yes. Yes. And Griffin.

10 Q Don Griffin?

11 A Mm-hmm.

12 Q Yes?

13 A Yes.

14 Q What did you understand their positions to
15 be with the City, if any?

16 A I never heard what their positions were to
17 be on that.

18 Q So the meeting was -- was it in this
19 physical conference room?

20 A Yes, it was.

21 Q What was -- what is your -- let me ask it
22 this way. What was discussed at that meeting?

23 A Annexation.

24 Q Was -- did you have an agenda --

25 A No.

1 Q -- to discuss --

2 A No.

3 Q Did you perceive the mayor had an agenda or
4 what he wanted to discuss?

5 A I don't recall an agenda other than he was
6 going to pursue annexation and requested our input.

7 Q And did you provide input?

8 A Yes.

9 Q What did you say?

10 A Why are you not annexing some individuals
11 within a community and you are others? And --

12 Q Did you -- sorry, go ahead.

13 A And he said to me, "If they want to be
14 annexed, I'd be more than happy to annex." And I
15 said, "Well, they would be tickled to death to get the
16 sewer." And he said, "I do not have to either promise
17 or provide." I can't remember, which of the two. I
18 do not promise or provide utilities.

19 Q I'm going to follow up on that in a second.
20 Did you bring any documents with you to the
21 annexation?

22 A I don't think so.

23 Q Or to the meeting I should say. You
24 mentioned that there were, you had questions about why
25 certain people were in and certain people were out?

1 A Yes.

2 Q And I think we were looking at that document
3 with the yellow and --

4 A Yes.

5 Q The orange and blue?

6 A No, yellow and blue.

7 Q Yellow and blue maps where you were I think
8 asking some of those questions?

9 A Yes.

10 Q Like why were people on one side of the
11 color line or the other in that map; right?

12 A Yes.

13 Q So is that a question that you've had from
14 the beginning?

15 A Yes.

16 Q Before we get to the mayor's response, did
17 you have any other questions that you asked of the
18 mayor that you remember?

19 A Yes, I asked him about trash pickup, and
20 from his I think his response was, "Yes, we provide
21 trash pickup" and I know that's -- I can remember who
22 asked whether it was me or one of the other trustees
23 that said, "So we can continue the trash pickup, yes,
24 but will the City pay for trash pickup when you're
25 annexed"? So to the City, so they'd be paying two.

1 Q If they chose to continue with the existing
2 service?

3 A Correct

4 Q What other questions do you remember being
5 asked?

6 A Residents asked me about their animals, some
7 of their animals that they had would they be still be
8 able to continue having like chickens or whatever they
9 had. I'm just using that as an example. And he said,
10 "Yes. Provided there isn't over X amount and that you
11 have sufficient pending for them -- pinning for them."

12 The question was, "Can I still shoot my
13 gun?" I don't think this was ever answered. I don't
14 recall that one, but I did know that was one that was
15 asked. I can't recall anything else. It's been too
16 long.

17 Q The Exhibit 65 says the meeting duration was
18 45 minutes --

19 A Yes.

20 Q Does that sound about how long the meeting
21 lasted?

22 A Yes.

23 Q So let's go back to the comment about other
24 people -- the mayor's comment that you described as
25 along the lines of if they want to be annexed. We can

1 annex them. The comment about utilities as precisely
2 as you remember it, what did the mayor say?

3 A Again, I'm going to say this that he said,
4 "If they want to be annexed, all they've to do is let
5 us know they want to be annexed" and I said, "That
6 would be great because Fullerton Pike is the one that
7 would love to have city sewer and city water." And he
8 said, "I don't" and this is -- I got to fill in this
9 word. "I do not have to promise or provide city
10 utilities."

11 Q Are you saying he said one of the other, you
12 don't remember which?

13 A I don't remember if it was promised or
14 provide.

15 Q Okay. But it was one of the two.

16 A Yes.

17 Q Was there discussion about -- well, let me
18 back up first. The land owners are residents in
19 Fullerton Pike, was it your understanding that they
20 were on wells and septics?

21 A They with on septics, not wells. They are
22 on Van Buren Water.

23 Q Where does Van Buren get its water from?

24 A Right off of 45 and --

25 Q Do they purchase it wholesale from the City

1 of Bloomington?

2 A I'm -- I'm assuming, yes.

3 Q So the lines were already present?

4 A Correct.

5 Q And when the Van Buren Fire -- when Van
6 Buren had its own fire department, if there was a call
7 in an area where the City water lines existed is it
8 your understanding that they used the City water --
9 hooked into the City hydrants?

10 A I'm going to say I'm not sure of that
11 because I do know that Van Buren Water has fire
12 hydrants.

13 Q Right.

14 A But it's still -- again whether City
15 provides that water or not.

16 Q Okay. So when the mayor -- so the land
17 owners and residents of Fullerton Pike had expressed
18 to you an interest in potentially getting hooked into
19 the City sewer and wastewater system?

20 A Yes and no. Okay.

21 Q Yeah, explain the qualifications of the
22 answer.

23 A Yes. At one time I lived in Garden Acres,
24 which is the community that I'm talking about. In
25 1971, my husband and I purchased a home there. When

1 we purchased a home two weeks after we moved in, we
2 had a notice that all water would be shut off and that
3 we had X amount of time in which to fix the sewer line
4 or the septic line, okay? And we were at what do we
5 do, you know.

6 So my husband worked at that time for the
7 City of Bloomington. He contacts city utilities.
8 City utilities told him that wasn't that far away and
9 they wouldn't have to have a lift station for the
10 sewer, so therefore he could hook on. We hooked on.
11 One road over was an individual that lived there that
12 was my best friend and behind her house was her mother
13 who was on septic and had Van Buren Water, but they
14 didn't have the sewers, okay.

15 And she was constantly upset about not being
16 able to hook on at that time. She's since passed and
17 I believe there is an individual now that owns that
18 home, but if you go east of that -- or I'm sorry west
19 of that the three houses that are on the same road as
20 her was not annexed.

21 Along with her mother, which has also passed
22 on Fullerton Pike and there's like three or four homes
23 along there. They would have liked to have had city
24 sewer.

25 Q So when in your scenario, you're describing

1 when your husband talked to people at the City of
2 Bloomington utilities about hooking into the sewer --

3 A Yes

4 Q Was it your understanding that the Barrow
5 family had to pay for that connection?

6 A Yes.

7 Q So in the meeting with the mayor when he
8 said that he did not have to -- either the "promise
9 utilities or I do not have to provide utilities" was
10 that in the context of who pays for it or was that
11 just at all?

12 A No. That was not in anything on the context
13 because later is when I said to myself, "Rita, why
14 didn't you say, the reason he will not provide that is
15 because there'd have to be a lift station."

16 Q Is that your conclusion just based on --

17 A Just on me.

18 Q Your own thoughts?

19 A My own.

20 Q The mayor did not say that?

21 A No.

22 Q Let me -- sometimes when I ask a question,
23 the way I just asked it and you answered no, there's a
24 double negative in it. So let me ask it this way.

25 Did the mayor say anything in the meeting about a lift

1 station?

2 A No, nor did I.

3 Q Okay. And nor did anyone else; correct?

4 A Correct.

5 Q Did the mayor -- other than in the context
6 of utilities, did the mayor say anything about whether
7 he had to either promise or provide any type of city
8 services?

9 A No, I think we -- specifically he was
10 speaking about city water and city sewer.

11 Q This will be 66.

12 (Exhibit 66 was marked for
13 identification.)

14 Ms. Barrow, do you have Exhibit 66 in front
15 of you?

16 A Yes.

17 Q You know what Nextdoor is; right?

18 A Yes.

19 Q Describe for us what Nextdoor is?

20 A It is a website that people join to let them
21 know, okay, where it is.

22 Q And it's kind of organized geographically?

23 A Absolutely.

24 Q Yeah. And are you a member of the Nextdoor
25 Eastern Green -- Nextdoor group?

1 A Yes.

2 Q Does that cover or extend into Monroe
3 County?

4 A Yes.

5 Q You see your name there where it says --

6 A Yes, I do.

7 Q Rita Barrow airport. Do you understand what
8 the reference to the airport is there?

9 A We now have yard signs for annexation.

10 Q Right. Hold on. But it says Rita Barrow,
11 airport. Did you understand what the reference to the
12 airport is there? Do you live close -- is your office
13 close to the airport?

14 A The office is close. Yes, it's across the
15 road from the airport.

16 Q Right. So do you understand that on
17 Nextdoor it kind of assigns a neighborhood or area to
18 where each individual person is when they register
19 their account? You may -- if you don't know that's
20 fine.

21 A I don't understand what you're asking.

22 Q Yes. So like when you sign up for a
23 Nextdoor account and you join a group --

24 A Mm-hmm.

25 Q There typically is an option to identify

1 where you are within that group, if you're in a
2 particular neighborhood.

3 A Yes.

4 Q So do you know if the airport reference
5 there is something that you filled in or provided when
6 you registered your Nextdoor account?

7 A No, I would say more than likely that's when
8 they found me on 2123 Kirby Road because there's Kirby
9 Road and the airport is right across the road from me.

10 Q Right. So the post here, you started it
11 read it. You say we now have yard signs for
12 annexation --

13 A Mm-hmm.

14 Q And this it -- this note or this post is
15 available to anyone who's in this group with the right
16 settings.

17 A Correct.

18 Q So it will include people in the annexation
19 area, but it would include people who were beyond that
20 too?

21 A Correct.

22 Q To receive you will need it stop by our
23 office at 2123 South Kirby Road, do you --

24 A Yes.

25 Q Where did the annexation signs come from?

1 A CRAA.

2 Q And were these, so you can have a sign in
3 favor of something and a sign opposed to something;
4 right?

5 A Yes.

6 Q Were these signs in favor of annexation?

7 A I don't recall.

8 Q Were they signs opposing annexation?

9 A I know that some of them were, yes. These
10 are the ones that I had in my vehicle.

11 Q Have you ever seen -- have you ever received
12 a sign from County Residents Against Annexation that
13 said we're in favor of annexation?

14 A No.

15 Q Kind of would be contrary to the name;
16 right?

17 A Correct.

18 Q So is it your testimony that all of the
19 signs that people could retrieve from 2123 South Kirby
20 Road were in your vehicle?

21 A I don't know that all of them were. And the
22 reason I'm saying that is because the -- the signs
23 were brought in and put into the office, okay. Then
24 we took them out of the office. People came in to
25 pick them up that had ordered them.

1 Q When they came to pick them up, who helped
2 them retrieve the sign?

3 A Anybody that was there that answered the
4 bell.

5 Q A bell at the front desk?

6 A Mm-hmm.

7 Q Yes? You have to say "yes."

8 A Yes.

9 Q Thank you. And then to retrieve the sign
10 are you saying that whoever was assisting the person
11 requesting the sign would go out to your car, get the
12 sign?

13 A No. I'm not saying that. Again, I'm going
14 to say that if the signs were delivered, okay, and put
15 in the foyer of the office, that's where they were and
16 people would come in and pick them up.

17 Q All right. So somebody in the office would
18 assist them and whoever answered the bell in
19 retrieving the sign?

20 A Yes. What they would say is, "Here's the
21 sign."

22 Q Okay. And they were being -- the employees
23 who assisted were that were being paid by the township
24 trustee at the time?

25 A I'm trying to think whether it was the

1 volunteers that I had.

2 Q Well, you just said it was whoever answered
3 the bell, so if it was an employee who answered the
4 bell that person was being paid by the township
5 trustee; right?

6 A Yes, because they'd point, yes.

7 Q Did you instruct your employees not to
8 participate in annexation matters?

9 A No, it was not mine to say, yes or no.

10 Q Did you instruct them not to participate in
11 annexation matters while they were at work?

12 A No, I didn't have a problem with that. That
13 was there's.

14 Q How did you ensure that employees did not
15 participate in annexation opposition activities while
16 they were on the clock?

17 A I can't think of a way. They have their
18 office. I have mine.

19 Q Do you understand that if you authorize the
20 use of township funds for unauthorized or non-
21 township expenses that you can be personally liable
22 for those expenses?

23 A Yes, the State Board of Accounts has already
24 went through that with me.

25 Q Right. If you'd look at Exhibit 63 back in

1 front of you, if you would, please. This is that May
2 15, 2023, letter from the State that we looked at
3 previously when we looked at the \$5 million account
4 balance as of the end of 2022. On the first page of
5 Exhibit 63 now, on the very first page under "Improper
6 use of public funds, condition and context."

7 Do you agree with the assessment that \$3,099
8 of township funds were used to fund the -- or pay for
9 the printing of information related to the campaign
10 against annexation?

11 A I'm looking for the dollars, where was it?

12 Q It's under "Condition and context" at the
13 end of that first line.

14 A I see it now. Okay.

15 Q So just a dollar short of \$3,100; right?

16 A Yes.

17 Q Was township funds that you used to pay for
18 some -- to a local printing company for the campaign
19 against annexation; correct?

20 A No, it wasn't for the campaign. It was to
21 notify them of the annexation.

22 Q So do you dispute the State's
23 characterization that the \$3,100 was paid to a local
24 printing company for resources to campaign against the
25 annexation?

1 A No, I don't dispute that. They did do that.

2 Q Was that a payment that you approved?

3 A Yes, it was.

4 Q Did any portion of that -- well, what was
5 the local printing company?

6 A Baugh Printing.

7 Q Can you spell that?

8 A B-A-U-G-H.

9 Q What did Baugh Printing print?

10 A They printed a postcard, front and back, and
11 mailed it.

12 Q So the Baugh Printing handled the mailing as
13 well?

14 A I don't know. I haven't used Baugh for a
15 long time now, so I don't know.

16 Q So you -- Baugh printed the postcards at
17 your office's request?

18 A Mm-hmm.

19 Q You have to say "yes."

20 A Yes.

21 Q And who were the postcards mailed to?

22 A The postcards were sent to all individuals
23 being annexed.

24 Q In Van Buren Township only?

25 A No.

1 Q So at the time there were seven annexation
2 areas; correct?

3 A No. There were five after that.

4 Q So 1A is on -- you familiar with the --
5 generally the location of the areas?

6 A Yes.

7 Q So 1A is on the westside of Bloomington?

8 A Yes.

9 Q 1B is on the southwest side; correct?

10 A Yes.

11 Q Two or 1C is also on the southwest side;
12 correct?

13 A Yes.

14 Q Two is on the southeast side?

15 A Yes.

16 Q And three, four, and five are these islands
17 on the westside of the --

18 A Correct.

19 Q So the Van Buren Township Trustee paid for
20 the printing of postcards for all seven of those
21 areas?

22 A Not all seven.

23 Q Which areas?

24 A The five.

25 Q Which five?

1 A The 1A -- I'm sorry, yes, the counting
2 because I'm counting like Van Buren Township. Yes,
3 there are seven. There were seven.

4 Q Who paid for the postage?

5 A It was with the contract with Baugh
6 Printing.

7 Q So it was part of the \$3,100?

8 A Correct.

9 Q And if you look at page 63 -- I'm sorry,
10 Exhibit 63, the page ending 263.

11 A Yes.

12 Q Is this your written response to the State
13 Board of Accounts?

14 A Yes.

15 Q Now it's your response is dated May 11th,
16 but the letter on the first page is dated May 15th
17 both in the year of 2023.

18 A Mm-hmm.

19 Q Do you know why your letter -- your comments
20 to the State Board of Accounts are dated four days
21 before the date of the letter? Like did they let you
22 know what the finding was going to be and then you
23 submitted your written response?

24 A Mm-hmm.

25 Q You have to say "yes"?

1 A Yes.

2 Q Had you ever received a letter like Exhibit
3 63 before sort of a comment on the review of the
4 financials that said township funds were used
5 inappropriately?

6 A No.

7 Q So this was the only one in the 14 years?

8 A That I can recall and I think I would have
9 recalled from the State Board of Accounts.

10 Q And in your response to the State Board of
11 Accounts or to whom it may concern, did you
12 acknowledge that it was an improper use of township
13 funds?

14 A Yes, I did.

15 Q And your response provides a look at your
16 thought process for why you did it; correct?

17 A Yes.

18 Q Have you reimbursed the township for those
19 funds?

20 A No. Because the State Board of Accounts
21 told me I did not have to.

22 Q When did they tell you that?

23 A I have a -- after whenever they called me
24 concerning my audit. They said they understood and
25 they took in consideration my message to them. My

1 letter to them or email and no.

2 Q Is that confirmed in a document somewhere?

3 A I have it, yes.

4 Q What is this? Is it a letter from the State
5 Board of Accounts?

6 A No, it's an email.

7 Q An email from who?

8 A From the auditor that did my audit.

9 Q Were there other occasions not captured by
10 this audit where township funds were used to support
11 the opposition to the annexation?

12 A Not to my awareness.

13 Q On page 263, of Exhibit 63, you have a count
14 of residents for area 1A, 1B, 1C all Van Buren?

15 A Yes.

16 Q Are those a number of people or a number of
17 homes?

18 A Number of homes.

19 Q So where it says residents T-S, it should be
20 residences with a C-E-S?

21 A Residential, yeah, probably, yes.

22 Q So this is not a population count?

23 A No.

24 Q Where did you get the figures to show the
25 number of residential units in Van Buren Township?

1 A From the City attorney.

2 Q Mike Rouker?

3 A Yes.

4 Q Did he tell you where he got those figures?

5 A No.

6 Q Have you ever reviewed the City's fiscal
7 plan for population purposes?

8 A No.

9 Q Have you reviewed the fiscal plan?

10 A No.

11 Q Is it accurate to say that the materials you
12 reviewed concerning the financial impact of the
13 annexation on the County in Van Buren Township would
14 be the Reedy and Baker Tilly information?

15 A Yes.

16 MR. MCNEIL: I have no further
17 questions for you at this time. We do need to make
18 copies of your folder. Mr. Heeb may have some
19 questions.

20 MR. HEEB: Just I think one,
21 Ms. Barrow.

22 EXAMINATION

23 BY MR. HEEB:

24 Q Regarding the financial impact on the Van
25 Buren Township Trustee office, do you also rely upon

1 your experience and your understanding of municipal
2 finance?

3 A Yes.

4 Q And regarding your understanding of the
5 financial impact on the residents of areas 1A and
6 1B --

7 A Yes

8 Q -- within Van Buren Township, do you also
9 rely on your experience and interactions with them?

10 A Yes.

11 Q Okay.

12 MR. HEEB: I have no other questions.

13 THE WITNESS: May I say something?

14 EXAMINATION

15 BY MR. MCNEIL:

16 Q I will ask you a question because that's how
17 depositions work. Ms. Barrow, is there anything else
18 you want to say about this process, please do.

19 A Yes.

20 Q Okay. Please, go ahead.

21 A Thank you. I was elected as a -- from Van
22 Buren Township. My position and my responsibility and
23 my obligation is to Van Buren residents. When they
24 ask a question or they have a concern, I want them to
25 come to me and let me help them in any way that I

1 possibly can. This also includes when they come to me
2 and ask me who do I go to get city water or city
3 sewer. I will look up the phone number. I will look
4 up the address and I will tell them, you must make an
5 appointment before you're allowed into the building
6 for the City.

7 Water can -- can you what water state that I
8 need to go to for this house? Yes, if it's Van Buren,
9 you have to go and make an appointment or if they --
10 if you talk to the individual that's there through the
11 speaker and this has been a while back. I don't know
12 if they still have it or not, then you can talk to
13 them about hooking on. I protect my residents that's
14 my concern. That's my responsibility.

15 Q Do you have a responsibility for land owners
16 in Perry township?

17 A I'm sorry.

18 Q Do you have a responsibility for land owners
19 in Perry township?

20 A No, I do not.

21 Q Do you have a responsibility for land owners
22 in Richland Township?

23 A No, I do not.

24 Q Do you have a responsibility for land owners
25 in Bloomington Township?

1 A No, I do not.

2 Q But yet when your office paid \$3,100 for a
3 postcard, you were -- you knew at the time that they
4 were being mailed to residents in Perry, Richland, and
5 Bloomington Township; correct?

6 A Yes.

7 Q Okay.

8 MR. MCNEIL: I have no further
9 questions.

10 MR. HEEB: No further questions. Thank
11 you.

12 THE REPORTER: All right.

13 MR. HEEB: And then, I guess we're
14 marking the -- what she has in her folder all as 64 --
15 or are we going --

16 MR. UNGER: It could be 66.

17 THE REPORTER: We're up to 67.

18 (Exhibit 67 was marked for
19 identification.)

20 Just a couple of quick clean-ups.
21 Orders same as last deposition? I just wanted to
22 clean up transcript orders on the record real quick
23 first. Which was orders same as last deposition?

24 MR. HEEB: For me, yes.

25 THE REPORTER: Okay. And signature?

1 MR. HEEB: I can explain.

2 Rita, the court reporter can send you a
3 copy of the transcript, which will have all your
4 testimony written out, and you can review it and look
5 for things like spelling errors or punctuation or
6 things along those lines. It's not an opportunity to
7 change your testimony, but an opportunity to make sure
8 that there aren't any errors.

9 THE WITNESS: Okay.

10 MR. HEEB: You can either do that and
11 ask for that to happen or you can say, I waive
12 signature, which means that you are waiving your right
13 to review the transcript and then basically accepting
14 that or trusting the court reporter to type it
15 accurately.

16 THE WITNESS: I want to review it,
17 please.

18 MR. HEEB: Okay.

19 THE REPORTER: All right. In that
20 case, we're now off the record at 12:57 p.m.

21 (Signature not waived.)

22 (Whereupon, at 12:57 p.m., the
23 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.

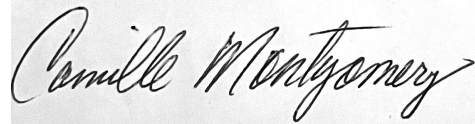


ANDREW PRONSCHINSKE
Notary Public in and for the
State of Indiana

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CERTIFICATE OF TRANSCRIBER

I, CAMILLE MONTGOMERY, 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.



CAMILLE MONTGOMERY

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

To: Ryan Heeb, Esq.

Case Name: County Residents Against Annexation, Inc., et al. v.
City of Bloomington, Indiana, et al.

Veritext Reference Number: 6485975

Witness: Rita Barrow Deposition Date: 3/14/2024

Dear Sir/Madam:

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

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: 6485975
CASE NAME: County Residents Against Annexation, Inc., et al.
v. City of Bloomington, Indiana, et al.
DATE OF DEPOSITION: 3/14/2024
WITNESS' NAME: Rita Barrow

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 Rita Barrow

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____.

Notary Public

Commission Expiration Date

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DEPOSITION REVIEW
CERTIFICATION OF WITNESS

ASSIGNMENT REFERENCE NO: 6485975
CASE NAME: County Residents Against Annexation, Inc., et al.
v. City of Bloomington, Indiana, et al.
DATE OF DEPOSITION: 3/14/2024
WITNESS' NAME: Rita Barrow

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 Rita Barrow

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

Commission Expiration Date

ERRATA SHEET

VERITEXT LEGAL SOLUTIONS MIDWEST

ASSIGNMENT NO: 6485975

PAGE/LINE(S) / CHANGE /REASON

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_____ Rita Barrow

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

Notary Public

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.

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

VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

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

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