

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

4 IN THE CIRCUIT COURT OF MONROE COUNTY

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

6 COUNTY RESIDENTS AGAINST)
7 ANNEXATION, INC., an Indiana not)
8 for profit corporation, et al.)
)
9 Remonstrators/Appellants/Petitio)
10 ners,)

11 -vs-)

12 THE COMMON COUNCIL of the City)
13 of Bloomington, Monroe County,)
14 Indiana, et al.)
15 Respondents.)

16 DEPOSITION OF THOMAS MCGHIE
17

18 The deposition upon oral examination of THOMAS
19 MCGHIE, a witness produced and sworn before me,
20 Colleen Brady, Notary Public in and for the County
21 of Monroe, State of Indiana, taken on behalf of the
22 Respondents, at the offices of Bloomington City
23 Hall, 401 North Morton Street, Room 225,
24 Bloomington, Monroe County, Indiana, on the
25 27th day of February 2024, at 2:38 p.m., pursuant
to the Indiana Rules of Trial Procedure with
written notice as to time and place thereof.

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APPEARANCES

FOR THE PETITIONERS:

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FOR THE RESPONDENTS:

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ALSO PRESENT:

Margaret Clements

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of Bloomington's
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1 (Time noted: 2:38 p.m.)

2 THOMAS MCGHIE,
3 having been duly sworn to tell the truth, the whole
4 truth, and nothing but the truth relating to said
5 matter, was examined and testified as follows:

6

7 DIRECT EXAMINATION,

8 QUESTIONS BY ANDREW M. MCNEIL:

9 Q Please state your name for the record.

10 A Thomas Wayne McGhie.

11 Q Mr. McGhie, we met once before, at least
12 formally in a deposition, and I know we've seen
13 each other in court from time to time. My name
14 is Andrew McNeil, and I'm one of the attorneys
15 for the city of Bloomington in the remonstrance
16 trial case.

17 Other than the time when we took your
18 deposition a year and a half or so ago, have you
19 been part of any other depositions?

20 A No.

21 Q If you remember, some of the ground rules, I'm
22 going to ask you a series of questions and your
23 job is to answer them as completely and
24 truthfully as you can. Do you understand that?

25 A I do.

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

3 A I certainly will.

4 Q If I need to rephrase something, will you let me
5 know that too?

6 A Will do.

7 Q We're trying to keep these on a tight 45-minute
8 schedule, 45 minutes to an hour. Even so, if
9 you need to take a break for any reason, will
10 you let me know that?

11 A Will do.

12 Q What is your address?

13 A 4175 South Purple Finch Drive.

14 Q Is that in Annexation Area 1B?

15 A Yes.

16 Q How long have you lived at that address?

17 A Since 2017.

18 Q Do you own any other real estate in Annexation
19 Area 1A or 1B?

20 A I do not.

21 Q Who lives at that address with you?

22 A My wife and two children.

23 Q What is your wife's name?

24 A Alyson McGhie.

25 Q How old are your children?

1 A 9 and 6.

2 Q Do you have any plans to move?

3 A No.

4 Q Where do you work?

5 A I work for Cook Medical.

6 Q Do you know the street address, the building
7 where you work?

8 A 750 Daniels Way.

9 Q What do you do there?

10 A I'm an engineer.

11 Q How long have you worked for Cook Medical?

12 A Since 2008.

13 Q Do you know a person -- I know it's a big
14 organization. Do you know a person there named
15 Scott Snyder?

16 A I do not.

17 Q Does your wife work outside of the home?

18 A She does not.

19 Q To get from your house to your place of
20 employment, what is the route of travel you
21 take?

22 A I typically work from home. When I do go into
23 the office, I would take Highway 69. I'd exit
24 on 3rd Street, and take that to Daniels Way.

25 Q Did you or your spouse sign a petition to

1 remonstrate against the annexation?

2 A I did.

3 Q Do you and your family ever eat within the city
4 limits of Bloomington at a restaurant?

5 A We do.

6 Q Do you ever drive through the City of
7 Bloomington for any reason whatsoever?

8 A I do.

9 Q How often, would you say, in the course of a
10 week do you drive into the city limits?

11 A So I came into the city today. Last time I
12 would have done so, I can't remember. A few
13 months ago. Maybe a month ago -- no, I -- I'm
14 not sure where my younger son goes to school. I
15 go there about once a week. So if that's in the
16 city limits, Sherwood Oaks Christian Church. I
17 can't say if it is or isn't.

18 Q Does your 9-year-old attend a public school or a
19 private school somewhere else?

20 A A private school.

21 Q Inside or outside the city?

22 A I assume it's outside the city limits. I don't
23 know for sure.

24 Q Do you attend a church within the city limits?

25 A I do not.

1 Q Do you ever use the city parks for any reason?

2 A I do.

3 Q For what purpose?

4 A I have taken my kids there a few times a year.

5 Q Do your children participate in any programs
6 offered by the city parks department?

7 A No.

8 Q Do you attend any civic events within the city
9 limits, like, concerts or plays or other
10 performances?

11 A Not very often.

12 (Off the record.)

13 BY MR. MCNEIL

14 Q When was the last time, if you can remember,
15 attending some kind of civic event within the
16 city limits?

17 A When I proposed to my wife in 2012, we were at a
18 Indiana University event. I'm sure I have been
19 to something since then, but I can't think of a
20 lot.

21 Q You mentioned IU. Do you ever go to basketball
22 or football, or other sporting events there?

23 A Yes, I did go to a Indiana University basketball
24 game about a month ago. So that was maybe
25 another time I've been into the town.

1 Q Would you be willing to pay a fee, a user fee,
2 for the use of City of Bloomington's streets and
3 roads?

4 A I wouldn't pay anything that wouldn't be
5 assessed to other visitors.

6 Q You would not pay anything, is that what you
7 said? Would not?

8 A Not if I was singled out. If it was something
9 for all visitors coming to visit. If there was
10 a fee to enter the city, I would certainly
11 consider paying that or not visiting the city.

12 Q If you had to call fire services, what's your
13 understanding of who the primary responder would
14 be to your home on Purple Finch.

15 A I believe it would be Monroe County Fire
16 Protection District, Station 22.

17 Q How far is that from your house, if you know?

18 A 2 miles. I'm not very good at that.

19 Q If there were, say, a fire at your residence or
20 on your property and the City of Bloomington
21 Fire Department was the first responder -- and
22 there's no annexation so you're still in the
23 township -- would you be willing to pay a fee if
24 one was charged?

25 A Certainly.

1 Q Are you on the city sewer and water service?

2 A I am.

3 Q Did you understand that your property has an
4 annexation waiver that attached to it that's
5 been voided by General Assembly's 2019 law?

6 A I don't know under what conditions it would or
7 wouldn't apply, but the auditor of Monroe County
8 said it did not stand, and I agree with her.

9 Q You understand that there, at least, is a waiver
10 attached to your property for sewer services in
11 exchange for waiving the right to remonstrate?

12 A I would need a lawyer to explain the details of
13 what there is or isn't there.

14 Q Have you seen the waiver document?

15 A I remember seeing a document before that I had
16 signed. I can't understand the legalese of it.
17 But as I said, the Monroe County auditor did not
18 believe that it prevented me from remonstrating,
19 and I agree with that too.

20 Q Why do you agree with that?

21 A I have not entered a contract with the city when
22 I purchased this house. And I don't understand
23 the legalese of this so I will -- I will say
24 that, I think, it was Smith at the time who said
25 it didn't apply.

1 Q Would you be agreeable to disconnecting your
2 home from city water and sewer service if the
3 annexation does not go forward?

4 A If some other organization took over those
5 lines, I would be happy with another service.
6 But I would not want to have no water and sewer.

7 Q Do you believe it's in your best interest to
8 continue to have the City of Bloomington provide
9 the water and sewer service to your residence?

10 A I have no opinion who provides the service.

11 Q Do you believe it's in your best interest to
12 continue to have water and sewer services
13 provided to your residence?

14 A I do.

15 Q County Residents Against Annexation, you're
16 familiar with that organization?

17 A I am.

18 Q Are you on the board of advisors?

19 A I am not.

20 Q Have you ever been?

21 A I have never been on the board of advisors.

22 Q Have you ever been on the board of directors?

23 A No.

24 Q Are you currently -- okay. Have you ever held
25 an office or title within CRAA?

1 A I have not.

2 Q You have attended meetings from time to time?

3 A I have.

4 Q Over the course of the time where the annexation
5 has been out there, have you communicated with
6 others, either by email or text message, about
7 the annexation?

8 A I think I have, yes.

9 Q In the last six months, have you done a search
10 or undertaken any effort to find your electronic
11 communications related to the annexation?

12 A Yes, I have.

13 Q How did you execute that search?

14 A I looked through contacts that I have on my
15 phone or my email of people that I have spoken
16 to and collected all the messages I received or
17 sent to them.

18 Q Did you find any?

19 A I did.

20 Q What did you do with them when you found them?

21 A I provided them to somebody. I don't remember
22 right now who.

23 Q Were you asked to do this search for
24 communications?

25 A Yes, I was.

1 Q Do you remember who asked you?

2 A It may have been Margaret. I can't remember.
3 Honestly, I don't remember for sure.

4 Q Your recollection is whatever you found, you
5 gave to somebody whether it was Margaret or
6 somebody at the law firm?

7 A Correct, yes.

8 Q Have you ever donated to County Residents
9 Against Annexation?

10 A I have.

11 Q How much over the course of time have you
12 donated to CRAA?

13 A Less than \$5,000 I'd say for sure. More than
14 500. Somewhere between those two numbers.

15 Q When you signed the remonstrance petition back
16 in 2021, were you signifying your opposition to
17 the annexation?

18 A Yes.

19 Q Do you remain opposed to the annexation today?

20 A I do.

21 Q Why? Tell me all the reason why you're opposed
22 to the annexation?

23 A I do not believe it is in my best interest. The
24 services that I have provided right now, being
25 outside of the city, are better than and cheaper

1 than the services I would receive if I was in
2 the city. I also am free from all the
3 ordinances of the city that would restrict my
4 freedoms.

5 Q Any other reasons you're opposed to the
6 annexation?

7 A My taxes would increase, and the services that
8 the city would provide are less than that of the
9 cost of the taxes.

10 Q Can you say that last part again? The services
11 that city provides are less than the cost of the
12 taxes. What do you mean by that?

13 A The city will tax me a dollar and they will
14 provide me with less than a dollar of services.

15 Q Understood. Thank you for that clarification.
16 We'll go back over these in more detail, but I
17 want to first ask, is there anything else, any
18 other reasons why you are opposed to the
19 annexation besides the ones you've given me so
20 far?

21 A I mentioned freedom of ordinances. I mentioned
22 the services I have meet all my needs and are
23 better than what I would get. And I mentioned
24 the financial burden. That's all the reasons I
25 can think of right now.

1 Q What services do you receive now that are better
2 and cheaper than what the city would provide if
3 you were annexed?

4 A The Monroe County Sheriff provides better
5 service than the city does, the city police
6 does. The Monroe County solid waste Management
7 District -- I think they have changed their name
8 a few times. They used to be The District. I
9 think they are now The waste reduction District,
10 I can use their services for practically nothing
11 to get rid of solid waste.

12 I have multiple companies, perhaps four or
13 five different private companies vying for my
14 business for waste collection, and they do so at
15 competitive prices. I'm free to select no
16 service if I want.

17 Could you repeat the question?

18 Q Yes. When you say that the services that you
19 now receive are better and cheaper than the
20 services you would receive if annexed, what do
21 you mean? What services are you talking about?

22 You've identified Monroe County Sheriff,
23 Monroe County Solid Waste District, four to five
24 businesses vying for your waste collection
25 business. Any other services that come to mind?

1 A I believe Monroe County Public Library would
2 lose funding if I were annexed. That's a
3 service that myself and my family enjoy. Our
4 fire department would lose funding, I believe,
5 if we were annexed, which would further
6 jeopardize my property and my safety.

7 Q What township are you in?

8 A Perry.

9 Q Any other services?

10 A The county does a great job with snow removal,
11 with road maintenance.

12 Q Any others that come to mind?

13 A I can't think of any at the moment. If I think
14 of some, I may come back to them.

15 Q That would be fine. You mentioned the Monroe
16 County Sheriff provides better service than the
17 Bloomington police department. What do you base
18 that on?

19 A They have more officers per population. They
20 spend more dollars per population. They have
21 adequate capital facilities right now. The city
22 is struggling in finding appropriate home for
23 the police department. The city is struggling
24 with hiring and retaining officers.

25 I know in 2021, there was a report that the

1 city commissioned to say that they should have,
2 I believe, 121 officers, and at the time they
3 had just over 90. And there's a report that
4 somewhere only around 75 or 76 were available.
5 I don't know quite what that means between the
6 92 number and the 75 number of available.

7 Q Is that the Novak report you're referring to?

8 A I do not know the name of it. But it was a --
9 it may have been.

10 Q Did you ever read that report, or did you just
11 read about it?

12 A I -- what --

13 Q Or hear about it?

14 A What I just spoke to was from something I had
15 read in a -- I don't know if it was a
16 resolution, something that was presented by the
17 common council in a motion that, I believe, that
18 the council is making to suggest that the city
19 change its compensation package to police that
20 those numbers came out.

21 Q You mentioned too that you thought the county
22 sheriff had more officers per population. What
23 are you basing that on?

24 A There's a website I went to that provided those
25 numbers.

1 Q Do you remember what website?

2 A I cannot think of the name of the website right
3 now.

4 Q Was it a website specific to opposing the
5 annexation?

6 A No.

7 Q Was it a government supported website?

8 A It did not seem to be. It seemed to be some
9 private organization that was rating police and
10 sheriff departments across the country.

11 Q Are you familiar with CALEA as it pertains to
12 the rating of police departments, law
13 enforcement agencies?

14 A No, I am not.

15 Q Do you know what the City of Bloomington's
16 police department rating is under CALEA?

17 A I do not.

18 Q You mentioned that one of your concerns was that
19 the Monroe County Public Library would lose
20 funding if the annexation went forward. What do
21 you base that statement on?

22 A I have seen a number of articles in various, I
23 believe, Hoosier Times, I think it's called B
24 Squared, and the Indiana Public Media -- that's
25 like WFIU -- throwing out various reports. Two

1 different reports. One produced by the city and
2 one produced by the county, which had different
3 numbers but both of them showed the library
4 district losing funding.

5 Q Did you understand it to be the library district
6 was losing funding in the sense that it would
7 have less funding than before, or that it's
8 funding would increase less than it would
9 otherwise without the annexation?

10 A I'm not sure I understand the difference.

11 Q When congress cuts spending, it means they
12 appropriate more than they did the year before
13 but less than somebody asked for. So it's kind
14 of a similar concept that I'm getting at here.

15 Is it your understanding that the library
16 budget would decrease, or that it would increase
17 but at a rate less than it would without
18 annexation?

19 A My understanding is that the library would have
20 less money if the annexation went forward than
21 the library would have if the annexation does
22 not go forward.

23 Q But do you have any understanding of how that
24 amount of money available, with or without
25 annexation, compares against a baseline budget

1 for the library?

2 A I do not.

3 Q You mentioned the tax impact. I think you said
4 your taxes would increase. Have you done
5 anything to determine by how much your property
6 taxes would increase if the annexation went
7 forward?

8 A Yes.

9 Q What have you done?

10 A In 2021, I believe, the City of Bloomington had
11 a web page. You could type in an address and
12 get some numbers from there. I also looked at a
13 packet that was presented to the common council
14 by the city listing tax rates. And from what I
15 could see in there, it looked like my tax rate
16 would increase by 48 percent.

17 I don't remember what the number was from
18 the city web page, but it was something in that
19 order of magnitude.

20 Q And when you say "tax rate," you mean the
21 percentage rate that would apply against the
22 assessed value would increase 48 percent? Or
23 are you saying that your property taxes
24 themselves would increase 48 percent?

25 Do you understand what I'm asking?

1 A No, I don't.

2 Q When any taxing authority, city or county, they
3 have a tax rate. Let's just say it's 2 percent.
4 And you multiply your assessed value by that tax
5 rate to determine -- there's many other things
6 that go into it, but as a rough rule of thumb,
7 that's the starting point.

8 So if the tax rate of \$100,000 assessed
9 value is 2 percent, it's a \$2,000 tax. Are you
10 with me there?

11 A Yes.

12 Q Were you saying that the 48 percent applied
13 to -- increase applied to that 2 percent or to
14 the \$2,000?

15 A To the percent.

16 Q So your tax rate percent, you understood from
17 some material presented through the city, would
18 increase around 48 percent?

19 A Yes. And the city web page agreed that my taxes
20 would be going up significantly. I don't
21 remember the percent that it calculated out to
22 be.

23 Q Do you have a mortgage on your property?

24 A I do not.

25 Q Have you filed for the homestead exemption?

1 A I have.

2 Q What is your understanding of that the homestead
3 exemption does?

4 A It lowers my taxes.

5 Q Any other exemptions that apply to your property
6 besides the homestead exemption?

7 A Yes.

8 Q What other exemptions do you have?

9 A I believe I get an exemption for having a home
10 line of credit on my house.

11 Q You have no mortgage but you have a home line of
12 credit?

13 A Correct.

14 Q So is that the home line of credit is secured by
15 your house? Like, when the bank gave you the
16 home line of credit, did they require you to put
17 your house as collateral?

18 A I think so.

19 Q So is it your understanding that you get an
20 exemption, a \$3,000 exemption based on that?

21 A I do not know what the amount is.

22 Q Any other exemptions aside from the home line of
23 credit and the homestead?

24 A Not that I understand or remember.

25 Q Do you understand that the charges you pay for

1 the city water and sewer have an out-of-city
2 surcharge?

3 A I do.

4 Q Is it about 11 percent?

5 A I thought it was around 12 percent.

6 Q Do you understand if the annexation occurs, that
7 surcharge goes away?

8 A I do.

9 Q Do you have any understanding about whether your
10 homeowner's insurance premium would go up, down,
11 or stay the same in the event the annexation
12 went forward?

13 A One of the big factors would be fire protect.
14 And my understanding is that I would not receive
15 the City of Bloomington Fire Protection if we
16 were annexation right now.

17 Q Is that understanding based on state law that
18 the fire district would continue being the
19 provider?

20 A I don't understand why, but it was in a packet
21 that I read presented to common council, I
22 believe, dated from 2021. It was a pretty thick
23 packet, and it described in there that the city
24 was willing to provide but it would not,
25 somehow, end up providing. I would continue to

1 receive the prior protection that I have now.
2 But if annexation moved forward, it also
3 reported that that fire district would have less
4 funding, which would mean that my home
5 protection would be even further declined by
6 annexation.

7 Q In this packet you're referring to, did it also
8 report that, if the annexation went forward, the
9 amount of the tax percentage that makes up the
10 fire protection portion of the overall tax rate
11 would go down if you were able to apply the
12 city's fire tax rate?

13 A Yes.

14 Q Do you know how the City of Bloomington's
15 municipal tax rate compares to other cities in
16 Indiana?

17 A I have seen some material presented by the City
18 of Bloomington pointing out how wonderful their
19 taxes are compared to other cities of their
20 selection.

21 Q Do you recall that report showing that the City
22 of Bloomington's municipal tax rate was the
23 second lowest among 21 cities that were being
24 compared?

25 A I don't remember where it fell.

1 Q Do you remember it being on the lower end of the
2 cities that were presented?

3 A The city presented it as such, yes.

4 Q Did you do anything to verify that?

5 A I did not.

6 MR. MCNEIL: I'm going to hand you some
7 exhibits here. This one will be 44. That one
8 is for Bill.

9 (Exhibit 44 marked.)

10 Q Mr. McGhie do you have Exhibit 44 in front of
11 you?

12 A I do.

13 Q At the top of the page, it says "Monroe County
14 Indiana," and then there's an address there. Is
15 that your address? 4175 South Purple Finch
16 Drive?

17 A Correct.

18 Q Are those pictures, pictures of your home?

19 A They are.

20 Q If you turn to the second page, the number in
21 the right-hand corner is 223. Ends 223.

22 A Yes.

23 Q Do you see the taxing district there, it says
24 Perry Township?

25 A Correct.

1 Q The corporation, Monroe County Community. Is
2 that the school corporation that you're in?

3 A I think so. It says so.

4 Q If you go to the next page, page 224, do you see
5 the transfer of ownership section at the top of
6 the page that shows Thomas W. and Alyson M.
7 McGhie purchasing the property or at least
8 having a transfer of ownership?

9 A I do see that.

10 Q September 18, 2017. Does that sound about right
11 in terms of the date you bought the property?

12 A It does.

13 Q Sales price is identified as \$365,000. Does
14 that sound about right to you?

15 A Seems about right.

16 Q If you look at the valuation record data, that
17 table there. The second line from the top,
18 2022-04-08. Do you see that?

19 A I do.

20 Q You see that the total valuation as of April 8,
21 2022, was \$420,900?

22 A I see that line.

23 Q Do you know who or which agency at Monroe County
24 does the assessed value?

25 A I do not.

1 Q Have you ever spoken with the county assessor's
2 office about the valuation of your property?

3 A I have not.

4 (Exhibit 45 marked.)

5 Q I'm going to give you also Exhibit 45. One for
6 you. One for Bill. You get the one with the
7 sticker. You can keep that one in front. Keep
8 that open if you would please.

9 On Exhibit Number 45, do you see at the top
10 of the page the 4175 South Purple Finch address,
11 and then your name and your wife's name to the
12 right?

13 A I do.

14 Q If you turn to the second page, ends in
15 page 220?

16 A Yes.

17 Q There's a tax history section in the both third
18 of the page. Do you see that?

19 A I do.

20 Q It shows for 2023, a spring tax installment of
21 \$1,734.92?

22 A I see that.

23 Q And then a fall installment of the same amount.
24 Do you see that?

25 A I do.

1 Q The total tax of \$3,556.58. Do you see that?

2 A I do.

3 Q Do you pay your taxes -- without a mortgage, do
4 you pay your taxes directly to the county? Or
5 is there an escrow company that pays your taxes?

6 A We pay those directly to the county.

7 Q Looking at that number, that line or row in the
8 tax history or 2023, does that represent the
9 amount of property tax you paid last year?

10 A I believe it does.

11 Q What understanding do you have about how the
12 Indiana property tax caps work on a residential
13 property, if any?

14 A I think, pretty much, nothing. What you just
15 said didn't make -- couldn't quite follow what
16 it would really mean.

17 Q Not the first time in my life or my day. Are
18 you aware or familiar with a proposition under
19 Indiana law that says a homeowner won't have to
20 pay more than 1 percent of the assessed value of
21 their property in property taxes subject to some
22 limited exceptions?

23 A I'm not familiar with that rule.

24 Q If you look at Exhibit 44, which is the one with
25 the valuation record in it. We looked at 2022.

1 If you look at the line for 2018, do you see
2 that one, 3-21-2018?

3 A Yes.

4 Q Total valuation of \$357,400?

5 A I do.

6 Q And then looking back at Exhibit 45, if you look
7 at the tax history for 2019, do you see where
8 the total tax is \$2,654.52?

9 A Are we on the second page again?

10 Q Yeah, tax history for 2019. Do you see where
11 the total tax is \$2,654.52?

12 A I see that.

13 Q Do you perceive that the tax increase on your
14 property from the assessed value alone from 2018
15 to 2022 is approximately a 34 percent increase?

16 A There's an increase there. I wouldn't want to
17 wager on the percentage there. I would not
18 argue with what you said as being reasonable.

19 Q Simple calculator would confirm it; right?

20 A Yes. In that report from the city, they also
21 anticipated that my home value would further
22 increase if annexed, which would increase my
23 liability even more so.

24 Q Did that report you're referring to assume, if
25 you remember, a 3 percent increase in assessed

1 value per year?

2 A I didn't see that. It just said annexed
3 residents would enjoy increased home values or
4 something to that extent. Which I read as would
5 enjoy increase in tax liability. I would not
6 enjoy that.

7 Q Well, you've enjoyed an increase in tax
8 liability while living in the county just based
9 on the growth and assessed value; correct?

10 A Increase in assessed value, yes.

11 Q And you've paid your taxes every year in full;
12 right?

13 A I believe there's a delinquency showing there of
14 \$86.74.

15 Q Which you've since paid; correct?

16 A My wife pays the bill. I'm not sure how that
17 happened.

18 Q Fair. To your knowledge, your household has
19 paid the property taxes due on your property
20 every year?

21 A Yes.

22 Q You have been able to afford those tax payments;
23 correct?

24 A We have been able to pay those bills. There are
25 a lot of other things I could have done with

1 that money.

2 (Exhibit 28 previously marked.)

3 Q If I didn't have to pay income tax, I would be
4 wealthy. There's a document -- you can put
5 those documents aside. We're done with those.

6 There's a document up further from you,
7 Exhibit 28. If you would get that in front of
8 you please. We'll look at in a second.

9 Are you familiar with what's known as an
10 agreement in lieu of annexation?

11 A No.

12 Q Have you ever heard that term before?

13 A There is an agreement that Cook Medical has with
14 the City of Bloomington that might be something
15 to that extent. They pay, I believe, \$100,000 a
16 year for the privilege of not being annexed.

17 Q How do you have that knowledge? How do you know
18 that?

19 A I read about it in B Squared.

20 Q Something you learned about as part of this
21 whole annexation process?

22 A Yeah, it's been -- annexation has been a big
23 part of the news for the last -- since 2017.

24 Q Sure. If you look at Exhibit 28. The title is
25 "Amended and Supplemented Answers of County

1 Residents Against Annexation to City of
2 Bloomington's Interrogatories."

3 Do you see that?

4 A Yes.

5 Q If you turn to page 5 please, Question five.

6 A Question 5.

7 Q Yes. "Identify and list all facts and documents
8 supporting your contention in the petition that
9 Ordinance Nos. 17-09 and 17-10 fail to include
10 equitable terms and conditions required by," and
11 then there's an Indiana Code citation.

12 Do you see that?

13 A I see that.

14 Q If you turn the page to page 6 please. The
15 fourth paragraph down, the one that starts with
16 your name, do you see that?

17 A Yes.

18 Q And I'm going to skip the names that aren't you.
19 It says "Thomas McGhie is anticipated to testify
20 that he was not offered an in-lieu-of agreement
21 despite the fact that other property owners in
22 Area 1A and 1B were offered such an agreement."

23 Do you see that?

24 A I see that.

25 Q Do you have any knowledge or information about

1 whether you would be open to an in-lieu
2 agreement on the same relative terms that Cook
3 Medical has?

4 A I could not afford \$100,000 to avoid annexation.

5 Q No, I understand that. That's what I meant by
6 same relative terms. So something that's scaled
7 to your personal property. Have you ever spoken
8 to anybody at the city about an agreement in
9 lieu of annexation?

10 A No, I have not.

11 Q Would you be willing to pay 75 percent of the
12 Bloomington tax rate not to be annexed?

13 A That would require quite a bit of thought on my
14 part. I never considered a particular percent.
15 It would feel sort of like a blackmail.

16 Q So before I asked this question just now, had
17 you ever thought about potentially paying a fee
18 in lieu of being annexed?

19 A No.

20 (Exhibit 27 previously marked.)

21 Q If you could set 28 aside, we'll come back to
22 that in a moment. If you could get Exhibit 27
23 in front of you, and I want to give you
24 Exhibit 46 to go along with 27.

25 All right. So Exhibit 46, the title of

1 which is "Answers of Thomas McGhie to the City
2 of Bloomington's First Set of Requests for
3 Admissions."

4 Do you see that?

5 (Exhibit 46 marked.)

6 A Yes.

7 Q If you turn to page 3 and 4, you will see that
8 there were five separate requests for
9 admissions.

10 A Say that again. Five separate what?

11 Q On pages 3 and 4, there are five separate
12 statements.

13 A Yes, that I see. Numbers 1 through 5.

14 Q And you were asked to either admit or deny or
15 otherwise respond to those requests. And you
16 say the answers given are "See response of
17 County Residents Against Annexation severed on
18 or about August 4, 2023," to all five of them?

19 A I do.

20 Q Now if you look at Exhibit 27 please. Those are
21 the answers of the County Residents Against
22 Annexation --

23 A Which pages were you saying?

24 Q Right now the first page.

25 A Okay.

1 Q Do you see that Exhibit 27 is the CRAA's answers
2 to the requests for admissions?

3 A Yes.

4 Q Now if you turn to pages 3 and 4 please. Do you
5 see there, where there are the same five
6 requests for admissions that were on Exhibit 46?

7 A Yes.

8 Q And Number 2 on page 3, says "Admit that
9 Bloomington has developed and adopted a written
10 fiscal plan and established a definite policy
11 for each annexation territory by resolution as
12 set forth in," and an Indiana Code cite.

13 Do you see that?

14 A I see that.

15 Q The answer from CRAA is a denial. Do you see
16 that? It says "Deny."

17 A I see that.

18 Q What information, if any, do you have that
19 Bloomington has not developed or adopted a
20 written fiscal plan and established a definite
21 policy for each annexation territory as required
22 by the Indiana Code?

23 A Please say your question again.

24 MR. MCNEIL: Can you read that back,
25 please, Colleen?

1 (Requested text was read by the reporter.)

2 A The Indiana Code is quite long and has some very
3 detailed requirements for that fiscal plan.
4 There is, I believe, some question as to whether
5 any plans that the city has presented meet all
6 of those requirements.

7 Q We'll come back to that answer in a second.
8 Look at page 4, if you would, please. Number 3.
9 Admit that the plan complies with Indiana Code
10 Section 36-4-3-13(d), as in "David," for each
11 annexation territory. And that's denied.

12 Do you see that?

13 A I see that.

14 Q Now going back to your prior answer, what
15 information do you possess that the fiscal plan
16 adopted by the City of Bloomington does not
17 comply with the requirements of the Indiana Code
18 provision cited there?

19 A I would have to look through those codes in
20 detail. I cannot remember the specifics, what
21 36-4-3-13(d) covered.

22 Q Did you at some point in time review the fiscal
23 plan and compare it against the requirements
24 under Indiana law, you personally?

25 A Me, personally, no.

1 Q Do you know of anyone who has done that on
2 behalf of the CRAA group or the remonstrators to
3 the annexation?

4 A Personally, no.

5 Q So an answer to a few questions ago, and I'm not
6 going to be able to quote you, but I'm going to
7 paraphrase or try to convey the gist of your
8 response was that there was information out
9 there that questioned whether the fiscal plan
10 from the city complied with the requirements of
11 the law. Did I get that, generally, right?

12 A Yes.

13 Q What are you referring to when you gave that
14 answer specifically?

15 A I believe that is based on material prepared by
16 my counsel.

17 Q Is this material that you have seen in the last
18 60 days?

19 A No.

20 Q Longer ago than that? Let me -- poor question.

21 A I may not be quite understanding your questions.

22 Q Is it your belief that there are deficiencies in
23 the city's fiscal plan?

24 A Yes.

25 Q What do you believe is deficient in the city's

1 fiscal plan?

2 A One of the things I noticed in a plan that was
3 presented that they said they would need 800
4 garbage and recycling bins for all the annexed
5 areas, which would come out to, like, one pair
6 of garbage and recycling for every 35 1/2 -- 35
7 residents. Which doesn't seem like it would be
8 adequate.

9 Q Was that specific to a particular annexation
10 territory or was that being applied to all
11 seven?

12 A That was, at the time, being applied to all
13 seven of them.

14 Q Any other ways in which you believe the fiscal
15 plan is deficient.

16 A I don't know any other details personally.

17 Q This is a longer question that I'm going to read
18 because I need to make sure I get it right. So
19 I'll just ask you to indulge me and listen to
20 this question, and then let me know if you can
21 answer it or if you need it rephrased or
22 anything.

23 "Do you have any information to suggest
24 that the fiscal plan from the City of
25 Bloomington does not represent a credible

1 commitment by the city to provide noncapital
2 services to Areas 1A and 1B -- noncapital
3 services being things like sidewalk,
4 streetlights, police services -- in a manner
5 that's equivalent to the standard and scope of
6 those services that are provided to the areas
7 within the city limits within one year of the
8 effective date of the annexation?"

9 MR. BEGGS: Object to form. Foundation.
10 You may answer.

11 A The city said it would take four years to hire
12 the police officers necessary for annexing the
13 areas. I believe that would be considered
14 noncapital.

15 Q So with police services, there's the hiring
16 question that you've identified. But are you
17 aware of any information that says the city
18 would not provide police patrols in the
19 annexation area with its current staffing for
20 four years?

21 A I don't remember them explicitly saying that.
22 How they would deal with shortfall. It neither
23 said that they would or would not do it in
24 particular areas.

25 Q Any other information you have with respect to

1 the commitment in the fiscal plan to provide
2 noncapital services on the same scope and
3 equivalent standard as applied in city limits?

4 MR. BEGGS: Object to form and foundation.

5 A Parks would be considered capital I believe.
6 I'm not sure on the definition of what's capital
7 services.

8 The city plan said they would not be
9 planning to put in any parks into Area 1B, where
10 I live. Yet they have many parks dozens of
11 parks in other areas.

12 Q And as a city resident, you would be -- if
13 annexed -- you would be able to utilize those
14 city parks on the same terms as any other city
15 resident; correct?

16 A They wouldn't be near my home. That's the big
17 part of the park, walking your kids over to the
18 park and enjoy the park. It would require quite
19 a bit of an ordeal to get to them, yes.

20 Q Of course a precursor to establishing a new park
21 is available land and space; correct?

22 A I've never planned a park. I couldn't confirm
23 that.

24 Q Any other information to suggest the city's
25 fiscal plan somehow falls short of a credible

1 commitment to provide noncapital -- and I'm
2 going to add -- or capital services to the
3 annexation areas following the annexation?

4 MR. BEGGS: Same objection. Form and
5 foundation.

6 A The fire protection, I would not receive the
7 same fire protection that other residents of the
8 City of Bloomington would or that was proposed
9 to be offered to other areas being annexed.

10 Q Is that because you would still be under the
11 fire district's service territory?

12 A The Monroe County Fire Protection District.

13 Q Would still be your provider?

14 A Yes. And so I would have a worse service than
15 what is available to other city residents.

16 Q I think I asked you this, but do you understand
17 that that's a function of state law?

18 A I don't understand the functions of things
19 there.

20 Another things is the city said in it's
21 plan it would be spending somewhere in the range
22 of 59 cents in services provided to me for every
23 dollar in taxes I would receive, which makes me
24 wonder where is the remaining 41 cents going
25 other than to provide additional services and

1 capital to other areas besides mine.

2 Q You wonder but you don't know. Is that a fair
3 statement?

4 A The city would have to be spending that money on
5 somewhere else.

6 Q Are you familiar with what's called an
7 impoundment fund?

8 A I read about an impoundment fund in this packet
9 that was presented to the common council.

10 Q What do you understand an impoundment fund to
11 be?

12 A For a limited number of years, the money, the
13 taxes collected in the area would go to this
14 impoundment fund. The impoundment fund would
15 have, I believe, seven members that would
16 control it. And four of those members would be
17 appointed by the mayor or the city council,
18 giving them the majority control over that
19 impoundment fund.

20 At the conclusion of that impoundment fund
21 or that impoundment period, my taxes -- again,
22 that full dollar of taxes -- I would only be
23 receiving something like 59 cents per dollar
24 back on it.

25 Q In the materials that you read about the

1 impoundment fund, did it describe the dedicated
2 uses, the permissible uses of dollars in the
3 impoundment fund?

4 A For the period that the fund was engaged, yes.

5 Q What was your understanding of those limitations
6 or restrictions on use?

7 A They would be spent in the area.

8 Q The annexation from which the taxes came;
9 correct?

10 A Correct. That I would pay increased. Today I
11 have full freedom in how I spend my money. In
12 this case, my money would be collected and spent
13 on my behalf by a group of people who were not
14 elected by me or by my fellow residents, and
15 would be controlled by the city.

16 I would prefer to have a the freedom to
17 spend that money for my own interests on my own.

18 Q But we're talking about property tax dollars
19 that you're going to pay whether you're in the
20 county or the city, right, you're going to pay
21 some amount of property taxes to some taxing
22 authority.

23 Are you saying you have a direct say in how
24 your property taxes are spent by the county?

25 A I can vote for people in the county, yes.

1 Q If you were within the city limits, you could
2 vote in city elections too; right?

3 A It seems every time that they would annex me
4 shortly after holding their elections. That's
5 been a pattern twice now.

6 The impoundment period, I don't remember
7 what it was, perhaps three years, and city
8 elections happen, like, for mayor, once every
9 five years. So most likely, this impoundment
10 period would be over before I even was able to
11 vote for someone indirectly to control this
12 impoundment fund.

13 Q Do you have any information on population
14 density on a persons per square acre in Area 1A
15 or 1B?

16 A I believe I've seen those numbers. I don't
17 remember those numbers.

18 Q Have you done any study or calculation of the
19 population density in 1A or 1B, yourself
20 personally?

21 A No.

22 Q Do you have any information on the percentage of
23 zoning classifications in Area 1A or 1B between
24 residential, commercial, industrial?

25 A The percentage, no.

1 Q Do you have any information on the percentages
2 by which Areas 1A or 1B are subdivided?

3 A Subdivided between what or among what?

4 Q Subdivide into smaller parcels.

5 A Can you say the question again?

6 Q Yes. Do you know what the percentage of
7 subdivided parcels is in Area 1A or 1B, or have
8 you done anything to evaluate that?

9 A I have seen numbers. I don't remember what
10 those numbers were.

11 Q The numbers that you've seen, did you prepare
12 those or they were prepared by someone other
13 than yourself?

14 A I would have -- if I saw them, they would have
15 been probably reported by Indiana Public Media.
16 I can't remember.

17 Q In Exhibit 28, the interrogatory answers,
18 Interrogatory Number 3 on page 2 says "Identify
19 each fact witness you plan to call to testify in
20 the lawsuit and provide a summary of their
21 anticipated testimony."

22 If you look ahead to page 4, the answer
23 about center -- almost dead center of the
24 page -- you see your name listed?

25 A I see my name.

1 Q Says "If called, Mr. McGhie would be asked to
2 testify as landowner about his opposition to
3 annexation, city services versus otherwise
4 provided services, and the impact of annexation
5 upon him."

6 Thinking back over the testimony that
7 you've provided during the course of this
8 deposition, have we covered everything that you
9 would said in response to those categories?

10 A I believe one of your first questions was what
11 were the reasons.

12 Q Right.

13 A I gave you several reasons.

14 Q Do you believe you have given me all the reasons
15 as far as you're able to recall?

16 A The ones I can remember, we've spoken of.

17 Q Is there any other reason why you're opposed to
18 annexation that you don't believe you've told me
19 about?

20 A None I can remember.

21 Q If you go to page 11 of Exhibit 28, Question 12.
22 "Identify and list all facts and documents
23 supporting your contention in the petition that
24 the annexation will have significant financial
25 impact upon residents or owners of land in the

1 annexation territory." Do you see that?

2 A I see that.

3 Q Turn to page 12. In the answer, do you see your
4 name on the second to last line of that first
5 paragraph?

6 A I see my name.

7 Q Other than the property tax issue that we've
8 talked about, are there other financial impacts
9 that you foresee to you if the annexation goes
10 forward?

11 A Other than property taxes, we've talked about
12 funding for services provided by the county.

13 Q Right. Which is paid for through property
14 taxes.

15 A Through property taxes.

16 Q Right. Any other financial impacts outside of
17 property tax increases or additional costs to
18 some services?

19 A There may be food and beverage taxes that are
20 affected. Other things besides property taxes.

21 Q Have you done an analysis of the impact of the
22 annexation on you from food and beverage taxes?

23 A I have not.

24 Q Any other financial impacts from the annexation
25 on you or your household?

1 A I would have to buy garbage services, which as
2 it is right now, I can use the Monroe County
3 Solid Waste Management District or the Waste
4 Reduction District, I believe they are now
5 called.

6 Q You mentioned that earlier. Anything you have
7 not mentioned that you can think of in terms of
8 be financial impact?

9 A None I can think of.

10 Q Look on page 12, Question 13. It says "Identify
11 and list all facts and documents supporting your
12 contention in petition that the annexation is
13 not in the best interest of the owners of land
14 in the annexation territory."

15 Do you see that?

16 A Say it again.

17 Q Page 12.

18 A I was on the wrong page.

19 Q Sorry. Page 12; Question 13. You might have
20 been on --

21 A Yes, I was on page 13, looking for Question 12.

22 Q So just read 13 to yourself, let me know when
23 you've finished reading it.

24 A I have read the question.

25 Q Now if you turn the page to page 13 and look at

1 the answer, do you see your name listed as
2 potential witness to testify about the impact of
3 the annexation in response to question that the
4 annexation is not in the best interest of the
5 landowners?

6 A Yes, I do.

7 Q I don't want to retread what you already said,
8 but I take it that you believe the annexation is
9 not in the best interest of the landowners
10 including yourself.

11 Is there anything about that belief or that
12 position that we haven't talked about in this
13 deposition?

14 A No.

15 MR. MCNEIL: Mr. McGhie, those are all the
16 questions I have for you at this time. Thank
17 you for your time.

18 MR. BEGGS: No questions. Thank you very
19 much. We'd like signature.

20 (Time noted: 3:40 p.m.)

21 AND FURTHER THE DEPONENT SAITH NOT.

22

23

24

25

THOMAS MCGHIE

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

3 I, Colleen Brady, a Notary Public in and for
4 the County of Monroe, State of Indiana at large, do
5 hereby certify that THOMAS MCGHIE, the deponent
6 herein, was by me first duly sworn to tell the
7 truth, the whole truth, and nothing but the truth
8 in the aforementioned matter;

9 That the foregoing deposition was taken on
10 behalf of the Respondents, at the offices of
11 Bloomington City Hall, 401 North Morton Street,
12 Room 225, Bloomington, Monroe County, Indiana, on
13 the 27th day of February 2024, commencing at the
14 hour of 2:38 p.m., pursuant to the Indiana Rules of
15 Trial Procedure;

16 That said deposition was taken down
17 stenographically and transcribed under my
18 direction, and that the typewritten transcript is a
19 true record of the testimony given by the said
20 deponent; and thereafter presented to said deponent
21 for his signature;

22 That the parties were represented by their
23 counsel as aforementioned.

24 I do further certify that I am a disinterested
25 person in this cause of action; that I am not a

1 relative or attorney of any party, or otherwise
2 interested in the event of this action, and am not
3 in the employ of the attorneys for any party.

4 IN WITNESS WHEREOF, I have hereunto set my
5 hand and affixed my notarial seal on this 15th
6 day of March 2024.

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Colleen Brady

Colleen Brady

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Seal, Notary Public
State of Indiana

My Commission Expires:
March 8, 2029

Colleen Brady
Commission No. NP0732235

County of Residence:
Monroe

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

March 15, 2024

To: Mr. Beggs

Case Name: County Residents Against Annexation Et Al v. The Common
Council of the City Of Bloomington Et Al

Veritext Reference Number: 6465804

Witness: Thomas McGhie Deposition Date: 2/27/2024

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: 6465804

CASE NAME: County Residents Against Annexation Et Al v. The
Common Council of the City Of Bloomington Et Al

DATE OF DEPOSITION: 2/27/2024

WITNESS' NAME: Thomas McGhie

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

Thomas McGhie

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: 6465804

CASE NAME: County Residents Against Annexation Et Al v. The
Common Council of the City Of Bloomington Et Al

DATE OF DEPOSITION: 2/27/2024

WITNESS' NAME: Thomas McGhie

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 Thomas McGhie

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

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ERRATA SHEET
VERITEXT LEGAL SOLUTIONS MIDWEST
ASSIGNMENT NO: 2/27/2024

PAGE/LINE(S) /	CHANGE	/REASON

Date Thomas McGhie

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

Notary Public

Commission Expiration Date

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1 29:20 35:13	2,654.52 30:8	25563 52:9	401 1:20 51:11
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Indiana Rules of Trial Procedure
Depositions Upon Oral Examination

Rule 30

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

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

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

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

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

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

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

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

VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

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