

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

VINCENT MORRIS, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	No. 1:20-cv-00034-DRL-SLC
)	
SHERIFF OF ALLEN COUNTY, <i>et al.</i> ,)	
)	
Defendants.)	

**STATUS REPORT OF
BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEN**

Defendant, Allen County,¹ by counsel, provides this status report to comply with the Court's order dated September 16, 2024 (Doc 151), requiring that the parties provide a status report by November 4, 2024. This report supplements prior reports filed by Allen County, concerning the Long Range Plan of Allen County.

Funding Developments and State Court Proceedings

As previously reported to this Court by a filing by the Plaintiffs on September 14, 2024 (Doc 150), on the prior day, September 13, 2024, the appeal to the Indiana Tax Court, case number 24T-TA-0007, was denied with the Tax Court upholding the final determination of the DLGF approving the proposed financing method. The citizen appellants publicly indicated that they did not intend to appeal or to file a petition for review, and no such filing

¹ The party name recognized by the Court is Allen County. As also recognized by the Court in prior pleadings and Orders, the Board of Commissioners of the County of Allen (hereinafter "Board of Commissioners") is acting as the county executive.

has occurred within the appropriate deadline. Furthermore, the corresponding Allen County Case, assigned Cause Number 02D02-2403-MI-173 was dismissed by stipulation on October 10, 2024.

Bidding and Construction Developments

Allen County's long term plan is to construct a jail with 1,332 beds.

The timeline previously provided by this Defendant in its prior reports was:

Programming/Concept	–	October 31, 2022;
Schematic Design	–	January 31, 2023;
Design Development	–	June 30, 2023;
Bidding	–	November 30, 2023
Construction Documents	–	January 30, 2024.
Construction Initiation	–	Spring 2024
Completion of Construction	–	Spring 2027

The design drawings and construction documents were completed.

Three early bid-packages with longer lead times were solicited and received. However, Allen County was limited in its ability to award bids by the amount of funding it has appropriated and available to spend.

Those bids necessary to keep the timeline intact are being prioritized for award until such time as the bonds are sold. Approximately \$45 million of appropriated funds have been made available to award certain bids and to begin work in 2024.

Allen County provided a listing of the Status of Bids in its June Status Report (Doc 137). Allen County continued to work with those bidders to retain those bids during the State Court Proceedings. At their Legislative Session on September 27, 2024, the Board of Commissioners approved all remaining bids received in Bid Phase #1 thru #4 and established

an initial Guaranteed Maximum Price (GMP) agreement with Weigand Construction. Additionally, they authorized Weigand Construction to move forward with construction via a Limited Notice to Proceed to bidders with a Full Notice to Proceed to be issued once bonds have been sold. The Limited Notice to Proceed is considered the quickest path for construction on the Project to commence and to avoid additional time delays and expenses, while the bond sale process is undertaken.

Earthwork commenced on October 7, 2024, with soil compaction prepping for the concrete foundation, the digging of drainage detention basins, and cutting-in for internal roads to the site. All work that can be initiated at this time has been initiated. Contractors moved forward the concrete foundation pour by a full month as the site work contractor completed his work ahead of schedule. This avoided a risk factor if the pour had occurred in more inclement winter months. But, this will likely not impact the overall construction timeline of three (3) years due to pre-scheduled dates for delivery of steel and pre-cast walls.

At this time, due to the delays caused by the State Court proceedings, and subject to the final bond sale and bond closing, it is anticipated that Construction Initiation will occur in December 2024 and will be completed in December 2027. Prisoner occupancy will occur as soon as possible following completion and certification of the facility.

Permitting Developments

Allen County has received all of the wetland permits required before construction could commence as identified in prior reports to the Court.

Financing Developments

The Allen County Council made its final required vote in October to sell title to the Courthouse to the Allen County Building Corporation as part of the financing process and to appropriate the proceeds from the bond sale toward the costs of the jail construction. A bond sale is scheduled for November 13, 2024, with a bond closing currently scheduled for November 26, 2024.

Other Developments

Allen County continues to work with and support the efforts of the Sheriff to hire additional confinement officers and to investigate alternatives for housing inmates.

Respectfully submitted,

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*Attorneys for Defendant, Board of
Commissioners of the County of Allen,
incorrectly named as Allen County*

CERTIFICATE OF SERVICE

I hereby certify that on November 4, 2024, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's CM/ECF system.

Kenneth Falk
Samuel L. Bolinger

J. Spencer Feighner

Diana Bauer

/s/ Theodore T. Storer

Theodore T. Storer