

**--- FOR IMMEDIATE NEWS RELEASE ---**

## **SUPERIOR SOVEREIGNTY – COMING TO A COUNTY NEAR YOU?**

Scott Tatom, Councilman – Ward 4  
Del City, Oklahoma

### **OPINION**

The Board of Oklahoma County Commissioners purchased a 71-acre property located at 1901 E. Grand Blvd. in Oklahoma City as the site to build their proposed new county jail. The property is within spitting distance of Del City near the intersection of S.E. 15<sup>th</sup> Street and Bryant Ave.

After nearly endless protests, marches and complaints about the location from local and state lawmakers, citizens, church groups, school board members and criminal justice advocates, the Commissioners somehow still decided to purchase the property.

Del City is a small community filled with schools, churches, residential homes, parks and people going about their lives just like many of the other communities in the OKC metro area. Citizens of Del City in particular have been very vocal in their opposition to the location because of the negative impact a county jail would create by being so close to their children and their neighborhoods. Several nearby cities including Midwest City and Forest Park among others stood in unity with Del City in their opposition to this location.

But the County Commissioners turned deaf ears to those pleas and forged on with their plan. In May 2024, the Commissioners took their re-zoning request to the Oklahoma City Council.

In a 7-to-1 vote, the Oklahoma City Council followed the edict of the people they were elected to represent and overwhelmingly denied the re-zoning which means that the Commissioners would have to find a different location to build the jail.

Or so it seemed...

After the Oklahoma City Council denied their request, the County Commissioners began chattering about a theoretical tactic in an attempt to bypass the will of the citizens of Oklahoma City by pulling a rabbit out of their hat and calling it something known as “sovereignty”.

Now what exactly IS “sovereignty” you may ask? Sovereignty is basically a concept that one entity has supreme power or authority over another entity. Yes, it sounds like something from medieval European times of kings, queens, lords and ladies but it’s something that does, indeed, exist right here in the United States. In fact, the U.S. government itself is sovereign. Each of the fifty states (though not sovereign themselves) share limited sovereignty with the U.S. government. The respective Native American tribes also enjoy sovereignty. But, here in America, that’s the end of sovereignty.

Concerning the concept of sovereignty, County Commissioner Myles Davidson stated, “*I think it’s a basic constitutional structure.*” “*The Oklahoma Constitution was set up that way. Ninth-grade civics, federal, state, county, municipality. We all learned it, and that’s where we’re at.*”<sup>1</sup>

However, Commissioner Davidson is quite mistaken in his ninth-grade Civics lesson.

**Article 17, Section 2** of the Oklahoma State Constitution which is the statute that creates the three County Commissioners also creates municipal township officers but is silent concerning sovereignty of one over the other.

**Article 18, Section 1** states that a city (a municipal corporation) is created by the State Legislature and makes no mention of sovereignty or subservience to any county.

**Article 18, Section 3(a)** states that a city’s charter becomes “the organic law of such city and supersede[s] any existing charter and all amendments thereof...” and is also silent on the matters of sovereignty.

Oklahoma State law does not support Commissioner Davidson’s assertion.

Our governmental structure is not a hierarchy at all and was never intended to be. Government is a shared responsibility where each component works in tandem, but where none have superior sovereignty over any other. In fact, a county is not and cannot be sovereign since a county is merely a political subdivision of the state.

So, in June 2024, the County Commissioners decided to purchase the property with their stated intent to build a Behavioral Health Center. But, in a news report<sup>2</sup>, Commissioner Davidson betrayed his true intentions and stated that the county intends to build not only a Behavioral Health Center, but also the jail itself on their newly acquired property by asking a court to rule on the concept of sovereignty.

In fact, on June 18, 2024, the County Commissioners filed suit against the City of Oklahoma City and have petitioned the Oklahoma County District Court to declare that Oklahoma County is a “Superior Sovereign” entity and are seeking superior sovereign immunity from Oklahoma City’s zoning regulations<sup>3</sup>.

However, looking back in time to February 8, 1988, in order to seek approval to build the proposed county jail at 201 N. Shartel (its current location), the Board of Oklahoma County Commissioners filed an Application For Special Permit (**ATTACHMENT 1**) with the Oklahoma City Planning Commission and the Oklahoma City Council. The County Commissioners at that time knew they were not a sovereign entity and rightfully sought approval through the OKC Planning Commission and the Oklahoma City Council.

By precedent, the Commissioners have shown they require approval from the Oklahoma City Council. The Commissioners in 1988 appropriately sought and received approval for their jail. The current Commissioners sought approval for their new jail in 2024 from the Oklahoma City Council but were denied.

In their petition to the court, the County Commissioners are desperately trying to make you believe they have superiority and jurisdiction over zoning. But they don't. So why are the County Commissioners trying to make Oklahoma City's zoning laws apply only to you, but not to them?

Oklahoma County's Planning Commission website states "*The Oklahoma County Planning Commission only has jurisdiction over property that is outside of any city's limits.*"

Even more importantly, it also states "*When it comes to land use planning and building, Oklahoma County does not have jurisdiction within the county's incorporated cities and towns. This means that if you want information about your zoning, about getting a building permit, or any other specific land use question, you must contact the city in which your property lies.*"<sup>4</sup> **(ATTACHMENT 2)**

Sovereignty simply does not exist for the County Commissioners. If this nonsense is allowed to proceed, every county in the state of Oklahoma could seek "superior sovereign" status over every city and town in their county. The effects of this would be devastating. No longer would it be necessary for a petitioner to seek approval from a City Council for zoning regulations. The county, as a superior sovereign, would have jurisdiction over zoning.

It's absurd to think the builders of the Sunset Amphitheater<sup>5</sup> who rightfully sought re-zoning through the Oklahoma City Council but were denied, might merely bypass the City Council altogether, take their request directly to the County Commissioners and, if approved, start making plans to build their amphitheater tomorrow.

The concept of superior sovereignty by the County Commissioners is a slap in the face of the will of the people of Oklahoma City who have entrusted their councilmembers to consider and judge all facts of a case and to decide justly. Regarding re-zoning, the Oklahoma City Council made their decision very clear by telling the Commissioners "NO" in no uncertain terms. In our American system of government, the will of the people is paramount.

The citizens of Del City tirelessly expressed their valid concerns, but their voices and their pleas went unheeded. It seems the Commissioners intended to build the jail on that property by almost any means necessary. Del City's concerns garnered little, if any, sympathy from the Commissioners.

However, Del City's lone voice is suddenly amplified now that the property is owned by Oklahoma County. Today, every citizen in every city and town in Oklahoma County has standing and an equal inalienable interest in this property including, most dramatically, the County's foolish attempt to claim superior sovereignty.

You may not live in Del City, but if you live anywhere in Oklahoma County, your voice is needed now more than ever.

I urge every citizen in Oklahoma County to contact your County Commissioner, but also to respectfully petition the Oklahoma County District Court to dismiss this frivolous lawsuit and the notion of “superior sovereignty” and to help cement the foundation of our cherished American values which are based upon government by the will of the people and not by those who seek to gain power and control through insidious and artificial means.

## ATTACHMENT 1

312

O.K. D SD-312

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APPLICATION FOR SPECIAL PERMIT  
(File in Triplicate)

Date: Feb 8, 1988

TO THE PLANNING COMMISSION AND  
THE CITY COUNCIL OF THE CITY OF OKLAHOMA CITY:

I, (WE), the undersigned, do hereby respectfully make application and petition  
to the City Council to grant a Special Permit for: A community-based care facility,  
Use Unit #2308, more specifically a corrections facility for use by the City of  
Oklahoma City and the County of Oklahoma..

in the I-2 and I-1 Zoning District(s) as  
hereinafter requested, and in support of this application, the following facts are  
shown: 801-935 Robert S. Kerr Ave, 840-936 N.W. 1st,  
300-228 N. Classen Blvd and 201-217 N. Shartel,  
1. The property requested for a Special Permit is located at:  
201 North Shartel between Shartel Avenue, N.W. 1st street  
and Classen and Robert S. Kerr street on the side of the street.  
(See Exhibit "B" map)

LEGAL DESCRIPTION

LOT	BLOCK	ADDITION	UNPLATTED
See Exhibit "A" Legal Description			

2. The property in question is owned by: Oklahoma County  
recorded in Book       , Page         
Registry of Oklahoma County.

3. This property is presently being used for: The majority of the property is now vacant or is used for parking. Several old brick warehouses are also located on the site.

4. It is proposed that the property will be put to the following use:  
A corrections facility

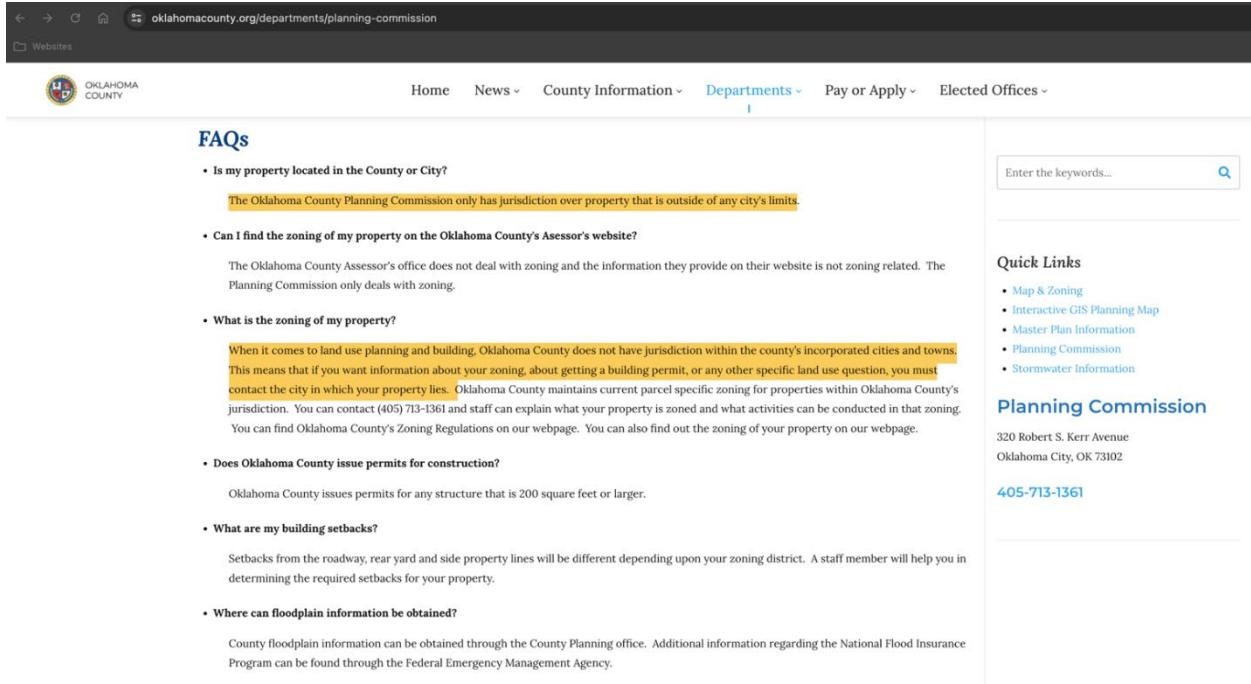
5. A fee was posted in the following amount: \_\_\_\_\_

OKLAHOMA COUNTY COMMISSIONERS  
Shirley Darrel Daniels  
Signature of Shirley Darrel Daniels  
F. G. "Buck" Buchanan  
Signature of F. G. "Buck" Buchanan  
Fred Snyder  
Signature of Fred Snyder

Oklahoma County Board of Commissioners  
Signature of Property Owner  
320 Robert S. Kerr, Room 119  
Address  
Oklahoma City, OK 73102  
405/278-1495 (T. K. McCurry, County Engineer)  
Telephone Number

Nancy S. McNayr, AICP  
RGDC, Inc.  
P. O. Box 19060  
Oklahoma City, OK 73144  
405/691-4426

## ATTACHMENT 2



The screenshot shows a web browser displaying the Oklahoma County website at [oklahomacounty.org/departments/planning-commission](http://oklahomacounty.org/departments/planning-commission). The page is titled 'FAQs'. The navigation bar includes links for Home, News, County Information, Departments (highlighted in blue), Pay or Apply, and Elected Offices. A search bar is located in the top right corner. The main content area contains several questions and their answers, such as 'Is my property located in the County or City?' and 'What is the zoning of my property?'. A 'Quick Links' sidebar on the right lists various county services.

**FAQs**

- **Is my property located in the County or City?**

The Oklahoma County Planning Commission only has jurisdiction over property that is outside of any city's limits.
- **Can I find the zoning of my property on the Oklahoma County's Assessor's website?**

The Oklahoma County Assessor's office does not deal with zoning and the information they provide on their website is not zoning related. The Planning Commission only deals with zoning.
- **What is the zoning of my property?**

When it comes to land use planning and building, Oklahoma County does not have jurisdiction within the county's incorporated cities and towns. This means that if you want information about your zoning, about getting a building permit, or any other specific land use question, you must contact the city in which your property lies. Oklahoma County maintains current parcel specific zoning for properties within Oklahoma County's jurisdiction. You can contact (405) 713-1361 and staff can explain what your property is zoned and what activities can be conducted in that zoning. You can find Oklahoma County's Zoning Regulations on our webpage. You can also find the zoning of your property on our webpage.
- **Does Oklahoma County issue permits for construction?**

Oklahoma County issues permits for any structure that is 200 square feet or larger.
- **What are my building setbacks?**

Setbacks from the roadway, rear yard and side property lines will be different depending upon your zoning district. A staff member will help you in determining the required setbacks for your property.
- **Where can floodplain information be obtained?**

County floodplain information can be obtained through the County Planning office. Additional information regarding the National Flood Insurance Program can be found through the Federal Emergency Management Agency.

**Quick Links**

- Map & Zoning
- Interactive GIS Planning Map
- Master Plan Information
- Planning Commission
- Stormwater Information

**Planning Commission**

320 Robert S. Kerr Avenue  
Oklahoma City, OK 73102

**405-713-1361**

## CITATIONS

1. Matt Patterson. *NONDOD*, 3 Jun. 2024, <https://nondoc.com/2024/06/03/site-near-del-city-still-on-table-for-new-oklahoma-county-jail-mental-health-facility/> “Site Near Del City Still On Table For New Oklahoma County Jail, Mental Health Facility”
2. Oklahoma News Report. OETA. (n.d.). 14 Jun. 2024 <https://www.oeta.tv/shows/oklahoma-news-report/> Statement Timestamp: 35:53-36:09 (June 14, 2024, video)
3. Oklahoma County Board of County Commissioners, Plaintiff, v. the City of Oklahoma City, a MUNICIPAL CORPORATION, Defendant.  
[www.oscn.net/dockets/GetCaseInformation.aspx?db=oklahoma&number=CV-2024-1659&cmid=4324715](http://www.oscn.net/dockets/GetCaseInformation.aspx?db=oklahoma&number=CV-2024-1659&cmid=4324715).
4. <https://www.oklahomacounty.org/departments/planning-commission>
5. Mosley, Meghan. “OKC City Council Rejects Zoning Request for Sunset Amphitheater Following Protest.” *KOCO*, 9 Apr. 2024, [www.koco.com/article/oklahoma-sunset-amphitheater-okc-city-council-rejects-zoning-request/60445419](http://www.koco.com/article/oklahoma-sunset-amphitheater-okc-city-council-rejects-zoning-request/60445419).