

FORMAL CEASE-AND-DESIST NOTICE AND DEMAND FOR STATUTORY COMPLIANCE

DATE: September 30, 2026

TO: Pittsburg County Tax Increment District (TID) Review Committee; County Clerk Hope Trammell; Board of County Commissioners

LOCATION: Pittsburg County Courthouse, McAlester, OK

DELIVERY METHOD: Hand-Delivered / Filed for the Official Record

RE: Unlawful "Minor Amendment" Actions on Agenda Items 5 and 6 — Emerald ProjectCo Data Center ("Project Emerald")

Dear Members of the TID Review Committee and Honorable Commissioners:

This letter serves as a formal Cease-and-Desist Demand and notice of immediate statutory exposure under the Oklahoma Local Development Act (62 O.S. §850 et seq.). Proceeding with any action, vote, or recommendation on Agenda Items 5 or 6 at today's Special Meeting constitutes a direct violation of Oklahoma law.

Your agenda states that you intend to present and act upon a "proposed minor amendment" to the April 21, 2026 draft plan. This procedure is legally impossible for the following reasons:

1. Minor Amendments Cannot Be Applied to an Unadopted Draft Plan

Under 62 O.S. §859(D), minor amendments are permitted only for an active Project Plan that has already been formally adopted by the governing body. Because the Board of County Commissioners tabled the proposal on June 22, 2026, no Project Plan exists in law. The April 21 document remains an unapproved draft.

Drafts cannot be amended under §859. Any change to a draft constitutes a revision, which legally requires a full statutory restart under 62 O.S. §859(A)–(C), including new notice and two new public hearings.

2. Financial and Structural Changes Cannot Be Treated as Minor Amendments

Even if an adopted plan existed, altering tax abatement percentages or financial structure is expressly disqualified from minor-amendment treatment. Section 9.6 of the county's own proposed Project Plan limits minor amendments exclusively to boundary adjustments not exceeding five percent (5%) of the district's area.

By explicitly defining minor amendments as boundary changes, all other amendments — including tax structure changes — are excluded. Changing the abatement from 85% to 75% is a major financial alteration affecting public revenue for 25 years and cannot legally bypass public oversight.

3. Failure to Provide Notice and Hold Public Hearings Is a Fatal Jurisdictional Defect

Under 62 O.S. §859, any revision to a proposed TIF district requires:

- new legal publication in a newspaper of general circulation, and
- two new public hearings (one informational, one for public comment).

No such notices have been issued, and no hearings have been scheduled. Any attempt to act today would be void for lack of jurisdiction.

FORMAL DEMAND FOR RELIEF

You are hereby ordered to CEASE AND DESIST from attempting to pass, recommend, or accept any alteration to the April 21, 2026 draft plan under the guise of a “minor amendment.”

Agenda Items 5 and 6 must be rejected. Any revised draft of “Project Emerald” must undergo a full statutory restart, including:

- new Review Committee evaluation,
- new newspaper publications, and
- two brand-new public hearings.

NOTICE OF INTENT TO SEEK INJUNCTIVE RELIEF

If the Committee or Board proceeds unlawfully today, the public will immediately file a formal complaint with the Oklahoma Attorney General and initiate civil litigation in the District Court of Pittsburg County seeking an emergency injunction to halt any attempted adoption of the Project Plan due to fatal statutory defects.

Sincerely,



Brandon Bailey

Impacted Neighboring Landowner

21272 Faraday Road